LEGISLATIVE

RESEARCH COMMISSION

CAMPAIGN AND ELECTION PROCEDURES

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REPORT TO THE
1989 GENERAL ASSEMBLY
OF NORTH CAROLINA
1989 SESSION

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TABLE OF CONTENTS

Letter of Transmittal..... i

Legislative Research Commission Membership..... ii

PREFACE..... 1

COMMITTEE PROCEEDINGS..... 3

FINDINGS AND RECOMMENDATIONS..... 10

APPENDICES

Relevant portions of Chapter 873 of the 1987 Session Laws authorizing the study ..... A

Membership of the LRC Committee on Campaign and Election Procedures..... B

Chapter 1026 of 1987 Session Laws (House Bill 858)..... C

Chapter 1081 of 1987 Session Laws (House Bill 1026)..... D

Remarks of Mr. Alex K. Brock concerning Super Tuesday Presidential Primary ..... E

Report by Mr. John Cheney concerning Statewide Computerized Voter Registration File ..... F

Legislative Proposals to the 1989 General Assembly ..... G

Legislative Proposal I -- A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEFINITION OF "POLITICAL COMMITTEE" SO THAT MAKING AN EDITORIAL-PAGE ENDORSEMENT DOES NOT TRIGGER "POLITICAL COMMITTEE" STATUS IN A NEWSPAPER. ..... LP I

Legislative Proposal II -- A BILL TO BE ENTITLED AN ACT TO ADD POLITICAL PARTY COMMITTEES TO THE CAMPAIGN FINANCIAL REPORTING EXEMPTION IF THE THRESHOLD IS NOT EXCEEDED ..... LP II

Legislative Proposal III -- A BILL TO BE ENTITLED

AN ACT TO CONFORM THE PENALTY FOR ILLEGAL
CAMPAIGN SOLICITATIONS TO OTHER MISDEMEANOR PENALTIES
IN THE ELECTION LAWS.....LP III

Legislative Proposal IV -- A BILL TO BE ENTITLED
AN ACT TO LIMIT THE AMOUNT OF "ADMINISTRATIVE SUPPORT
A PARENT ENTITY MAY GIVE TO AN INSTITUTIONAL PAC
TO 10% OF CONTRIBUTIONS TO THAT PAC.....LP IV

Legislative Proposal V -- A BILL TO BE ENTITLED
AN ACT TO CLARIFY THAT OUT-OF-POCKET EXPENDITURES
BY CANDIDATES SHALL BE REPORTED AS CONTRIBUTIONS
TO A CAMPAIGN.....LP V

Legislative Proposal VI -- A BILL TO BE ENTITLED
AN ACT TO DEFINE "IN-KIND" CONTRIBUTIONS" AND CLARIFY
THAT THEY MUST BE REPORTED AS BOTH CONTRIBUTIONS
AND EXPENDITURES.....LP VI

Legislative Proposal VII -- A BILL TO BE ENTITLED
AN ACT TO PROVIDE THAT LEGISLATORS' ECONOMIC INTEREST
STATEMENTS WILL BE AVAILABLE IN A CENTRAL PLACE.....LP VII

Legislative Proposal VIII -- A BILL TO BE ENTITLED
AN ACT TO AMEND THE AUTOMATIC RECOUNT LAW SO THAT
CANDIDATES OTHER THAN THE "NEXT HIGHEST" MAY CALL
FOR A RECOUNT IF THEY RECEIVED VOTES WITHIN THE STATUTORY
RANGE FROM VICTORY, SO THAT NO RECOUNT IS REQUIRED IN A
STATEWIDE RACE IF THE PETITIONER IS LESS THAN THE
LESSER OF 0.5% OR 10,000 VOTES BEHIND, AND SO THAT
A MULTI-COUNTY CANDIDATE MAY REQUEST A RECOUNT
EIGHT DAYS AFTER THE ELECTION.....LP VIII

Legislative Proposal IX -- A BILL TO BE ENTITLED
AN ACT TO EXTEND THE ACT REQUIRING DECLARATIONS
OF INTENT AND PETITIONS FOR WRITE-IN CANDIDATES, BUT
EXEMPTING MUNICIPAL AND NONPARTISAN RACES.....LP IX

Legislative Proposal X -- A BILL TO BE ENTITLED
AN ACT TO PERMIT BOARDS OF ELECTIONS TO PLACE NOTICES
ON BROADCAST STATIONS OR IN NEWSPAPERS OR BOTH.....LP X

Legislative Proposal XI -- A BILL TO BE ENTITLED
AN ACT TO CONSOLIDATE INTO ONE FORM ALL ABSENTEE
BALLOT APPLICATION FORMS AND TO MAKE OTHER CHANGES
IN THE LAW AFFECTING ABSENTEE BALLOTS.....LP XI

Legislative Proposal XII -- A BILL TO BE ENTITLED
AN ACT TO PERMIT A VOTER TO RECEIVE ABSENTEE BALLOTS
FOR AN ENTIRE CALENDAR YEAR WITH ONE APPLICATION IF
THAT PERSON IS UNABLE TO GO TO A VOTING PLACE DUE TO
AGE OR INFIRMITY.....LP XII

STATE OF NORTH CAROLINA

LEGISLATIVE RESEARCH COMMISSION

STATE LEGISLATIVE BUILDING

RALEIGH 27611

December 14, 1988

TO THE MEMBERS OF THE 1989 GENERAL ASSEMBLY:

The Legislative Research Commission herewith submits to you for your consideration its final report on Campaign and Election Procedures. The report was prepared by the Legislative Research Commission's Committee on Campaign and Election Procedures pursuant to Section 2.1 of Chapter 873 of the 1987 Session Laws.

Respectfully submitted,

Liston B. Ramsey

J. J. (Monk) Harrington

Cochairmen
Legislative Research Commission

1987-1988

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PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is co-chaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

At the direction of the 1987 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Co-chairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Co-chairs, one from each house of the General Assembly, were designated for each committee.

The study of Campaign and Election Procedures was authorized by Section 2.1 of Chapter 873 of the 1987 Session Laws. That act states that the Commission may consider House Bill 1533 in determining the nature, scope and aspects of the study. Section 1 of House Bill 1533 reads in part: "The Legislative Research Commission may study the issue of campaign and election procedure." The relevant portions of Chapter 873 and House Bill 1533 are included in Appendix A. The Legislative Research Commission grouped this study in its State Regulation area under the direction of Senator Henson P. Barnes. The Committee was chaired by Senator Russell G. Walker and Representative Donald M. Dawkins. The full membership of the

Committee is listed in Appendix B of this report. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.

COMMITTEE PROCEEDINGS

The Legislative Research Commission's Study Committee on Campaign and Election Procedures met four times.

First Meeting -- February 15

The first meeting of the Committee was held February 15, 1988 the State Legislative Building. Mr. Alex K. Brock, the State Director of Elections and Secretary of the State Board of Elections, brought several matters to the Committee's attention:

1. Straight-Ticket Single-Shot Voting in Multi-Seat Races. Mr. Brock said 14 counties had been put in a bind because of a complex of laws related to straight-ticket voting. The federal court case of Hendon v. Board of Elections stated that if a voter marks a straight-party ticket but then crosses over and votes for a candidate of the other party, then the crossover vote must be counted. If the crossover vote is in a multi-seat race, then only the individually marked vote in that race may be counted, the court said. The 1987 General Assembly, hoping to limit the impact of Hendon on the power of the straight-ticket vote, enacted G.S. 163-170.1, directing that if a voter marked a straight-party ticket but then came down in the same party column and marked an individual nominee of that party in a multi-seat race, then that single-shot vote would be disregarded and votes would be counted for all the party's nominees in that multi-seat race. Mr. Brock said the problem was that 14 counties, having geared their equipment to comply with the Hendon rule on crossover voting, were unable to adapt that equipment to the legislative dictate without incurring great expense. He asked for a solution to the problem.

2. Withdrawal of Primary Candidate After Filing Deadline. He said there had been disagreement over whether a candidate should be allowed to withdraw from a primary after the filing deadline. G.S. 163-106(e) clearly gave a primary candidate the right to withdraw his notice of candidacy until the filing deadline. The statute did not say, however, what would happen if a primary candidate sought to withdraw after the filing deadline: Would the candidate be refunded his filing fee? Would his name be on or off the ballot? Would votes cast for him be counted? Mr. Brock said the practice of the State Board of Elections was to allow a candidate to withdraw up to the time the ballot was printed, even if that occurred after the filing deadline. He requested some direction from the General Assembly.

3. Financial Reports From Low-Budget Campaigns. Mr. Brock said he thought it was more trouble for election offices to receive and process the required contribution/expense reports from low-budget campaigns than the reports were worth to the public. He suggested setting a figure, such as $500, and exempting from the reporting requirement all campaigns that neither raised nor spent more than that amount.

4. Enforcement of Late Report Penalties. Mr. Brock said his office is often under pressure to waive the penalty for late filing of campaign reports. G.S. 163-278.34 sets that penalty as $20 a day for up to five days. He said he

would like guidance as to whether the General Assembly supported his office's taking a hard line on penalties.

The Committee also heard from Mr. Gene Lucas of WRRZ Radio in Clinton, who was on the agenda at the request of Rep. Ed C. Bowen. Mr. Lucas urged the Committee to re-examine the requirement that county boards of elections use local newspapers to publicize elections. That reliance on newspapers is outdated, he said, since more people can be reached by radio.

In response to Mr. Brock's suggestions, the Committee directed the staff to draft bills dealing with withdrawal by primary candidates, exemption from reporting of candidates raising and spending less than $500, and the repeal of 163-170.1 on straight-ticket/single-shot voting. Mr. Brock said he felt satisfied with the response of the Committee supporting his hard-line stance on late-penalties, and did not feel legislation was needed.

At the suggestion of Sen. Walker, the Committee directed the staff to draft a bill eliminating what was described as duplication of the Economic Interest Statements that legislators were required to file. The Legislative Ethics Act (Article 14 of Chapter 120 of the General Statutes) required all legislative candidates to file Statements of Economic Interest with their county boards of elections shortly after they file notice of candidacy, and the county board was required to forward copies of those Statements to the State Board of Elections. In addition, all elected legislators were required to file Statements of Economic Interest with the Legislative Services Office in Raleigh by January 15 after their election, and to update those reports every January 15 thereafter while in the General Assembly.

Second Meeting -- March 29, 1988

At the second meeting, the Committee voted to endorse the following bills for the 1988 Short Session of the General Assembly:

1. Straight-Ticket Single Shot Voting in Multi-Seat Races. The Committee endorsed leaving G.S. 163 170.1 in the statutes, but reversing the rule so that only the specifically marked candidate would be counted in a multi-seat race where the voter voted a straight-party ticket, but then marked an individual nominee of that party in the multi-seat race.

2. Withdrawal by Primary Candidate After Filing Deadline. The Committee endorsed a strict rule that no primary candidate may withdraw after the filing deadline. Under this approach, if he does not withdraw before the filing deadline, his filing fee is retained by the board of elections, his name stays on the ballot, and any votes cast for him are counted. At Mr. Brock's suggestion, the Committee endorsed changing the Economic Interest Statement law to close what he described as a loophole that allowed legislative candidates to withdraw. Under G.S. 120-98, the penalty for a legislative candidate's failing to file an Economic Interest Statement was disqualification of his candidacy; if the penalty was invoked, his filing fee was to be returned to him. Candidates could, in effect, withdraw after the filing deadline by refusing to file an Economic Interest Statement. The Committee endorsed changing the penalty so that a candidate who failed to file an

Economic Interest Statement could not have his nomination certified if he won the primary; his name, however, would not be removed from the primary ballot for failure to file the Statement, and his filing fee would not be refunded. In choosing this approach, the Committee rejected an alternative that would have handled the withdrawal of a candidate after the filing deadline in a manner similar to the treatment of the death of a candidate after the filing deadline: i.e., by reopening the filing period for a short time.

3. Threshold of $500 for Campaign Financial Reporting. The Committee endorsed a bill that would excuse a candidate from making financial reports if he raises less than $500 in his campaign and spends less than $500 in his campaign. The candidate would qualify for the exemption if his treasurer filed a certification under oath that he did not intend to raise or spend more than $500. The treasurer would be responsible for giving notice if the intent changed or the contribution or expenditure limit was exceeded--and for filing reports thereafter.

4. Elimination of Duplication in Economic Interest Statements. The Committee endorsed removing the requirement that members of the General Assembly file Economic Interest Statements with the Legislative Services Office by January 15 after their election and update those statements every succeeding January 15 while in office. Also endorsed was the removal of the requirement that each county board of elections forward the Economic Interest Statements filed with it to the State Board of Elections. The approach just described was a compromise reached after the Committee debated two alternative approaches for ending duplication: Alternative 1 would have eliminated the elected legislators' filing with the Legislative Services Office; Alternative 2 would have eliminated the legislative candidates' filing with the county board of elections. The compromise was to choose Alternative 1 and to eliminate the forwarding of the candidates' Statements to the county board of elections. It was mentioned in the discussion that later consideration might be given to having the county boards forward to the Legislative Services Office the Economic Interest Statements of candidates who are elected.

The Committee voted to endorse in concept the idea of requiring the Chairman of the county board of elections to consult with the Chairmen of the county parties before filling a mid-term vacancy in the office of precinct judge--following the same procedure required in naming a judge to a full term. No bill had been drafted at the time of the meeting.

It was stated that the four bills and the judge-vacancy proposal would be attached to House Bill 858, which was already eligible to be considered in the 1988 Short Session. The Campaign and Election Procedures Committee was not one of those whose authorization was such that its endorsement of a bill automatically made that bill eligible to be considered in the Short Session.

At the same meeting Mr. Brock gave his observations on the Super Tuesday presidential primary. (Appendix E)

Finally, the Committee heard a report from John Cheney, Assistant Secretary of State, on the computerized voter registration file that the 1987 General Assembly established in the Department of State. (Appendix F) He said the system received usable date from 63 of North Carolina's 100 counties on voter registration, but that it

was a once-a-year snapshot rather than a continually updated system. Mr. Cheney recommended that the General Assembly study the feasibility of a continually updated Statewide voter registration system involving all 100 counties. Such a system will be needed, he said, if federal legislation on election-day voter registration passes. The Committee voted to ask the CoChairs to discuss the possibility of such a study with the leadership of the General Assembly.

1988 Short Session of the General Assembly

During the 1988 Short Session the General Assembly ratified House Bill 858 (Session Laws Chapter 1028 of the General Statutes), as modified by House Bill 1206 (Chapter 1081). Those bills (Appendices C and D) essentially embodied the five recommendations made at the March 29 meeting of the of Study Committee, plus two additional matters requested by Mr. Brock: the change of the filing deadline for the Annual ("cleanup") Campaign Finance Report, and the clarification of the appellate route for voter challenges.

Third Meeting -- November 23, 1988

At its third meeting, the Committee heard several suggestions for consideration from Ms. Yvonne Southerland, the Deputy State Director of Elections. (See Appendix for memo from Ms. Southerland to Mr. Brock. This memo was used by Ms. Southerland to present to the Committee the suggestions made by herself and Mr. Brock.) The Committee also heard a proposal from Senator Walker, one from Representative Ed C. Bowen, and several from Representative Charles M. Beall.

After deliberation, the Committee voted to endorse several proposals to the 1989 General Assembly. Where indicated in the list below, the Committee endorsed a draft bill. In other cases, also indicated in the list, the Committee endorsed a concept, more or less tentatively, pending the drafting of a bill. The endorsed proposals were:

1. Exclusion of Editorials From Definition of PAC. (See Legislative Proposal I.) The proposal would add a sentence to the definition of "political committee" (G.S. 163-278.6(14)) stating that no group shall be deemed a political committee simply because it makes an editorial endorsement. The background for the proposal was an allegation that the Charlotte Observer should be classified as a political committee, and therefore should be subject to reporting requirements, because of its editorial endorsements. The current definition of "political committee" requires a purpose to influence elections or the receipt/expenditure of funds to influence an election. Before endorsing the bill it did endorse, the Committee rejected the approach of changing the word "or" in the definition to "and." It was stated that such a two part requirement for a political committee would be too broad a change and might give too many organizations an argument that they are excluded from the reporting requirements.

2. Addition of Political Party Committees to the Exclusion From Campaign Reporting If Threshold is Not Exceeded. The Committee endorsed a bill (Legislative Proposal II) to add political party committees to the exemption from filing campaign finance reports that the 1988 General Assembly gave to candidates who

neither raise, spend, nor accept loans of more than $500 in an election. The Committee rejected a proposal to increase the threshold amount to $1,000; Sen. Walker stated that the threshold was too new in operation for the General Assembly to widen the exclusion.

3. Technical Correction to Misdemeanor Penalty for Illegal Campaign Solicitations. The Committee endorsed a bill (Legislative Proposal III) that would conform the misdemeanor penalty for illegal campaign solicitations to the standard penalty for misdemeanor election offenses that was enacted in 1987. That standard penalty is up-to-six-months' imprisonment or up-to-$1,000 fine or both (G.S. 163-272.1).

4. 10% Limit on Administrative Support Parent Entity May Provide to PAC. The Committee endorsed a bill (Legislative Proposal IV) suggested by Ms. Southerland that would limit the amount of administrative support a corporation, union, or professional association can give to its in-house political committee to a fixed percentage of contributions to that political committee. Ms. Southerland said some parent organizations have been known to spend much more than "administrative support" for their PACs than the PAC received in contributions. The Committee chose the 10% figure after being told that Mr. Brock had suggested a range of 10-25%.

5. Reminder to Candidates to Report Their Out-of-Pocket Expenditures as Contributions to Their Campaigns. The Committee endorsed a bill (Legislative Proposal V), suggested by Ms. Southerland, to include statements in the statutes reminding candidates that they should include expenditures they make on behalf of their campaigns as contributions on their financial reports. Sometimes, she said, candidates do not do so, and their reports show large expenditures that are not balanced out by contributions.

6. Reminder to Treasurers to Report In-Kind Contributions as Expenditures and Contributions. The Committee endorsed a bill (Legislative VI), suggested by Ms. Southerland, to remind campaign treasurers to report in-kind contributions as both contributions and expenditures on their financial reports. The bill also defines "in-kind contributions" as any contribution other than cash.

7. Forwarding of Economic Interest Statements to Legislative Services Office. The Committee endorsed a bill (Legislative Proposal VI), proposed by Senator Walker, to augment the change made during the 1988 Session to Economic Interest Statements. The 1988 change removed the requirement that the county boards of elections forward legislative candidates' statements to the State Board of Elections, and removed all requirements that elected legislators file with the Legislative Services Office. Senator Walker noted that the press had criticised the change because it left no central place where all legislators' statements could be found. His proposal would direct the county boards of elections to forward the Statements of all successful legislative candidates to the Legislative Services Office upon their certification of election. That way, he said, the Statements of all candidates would be available in the locality during an election, the Statements of all legislators would be available in Raleigh during a legislative session, and legislators would have to make only one filing.

8. Changes in Mandatory Recount Law. The Committee endorsed a two-part proposal (See Legislative Proposal VIII), suggested by Ms. Southerland, to alter the 1987 law that allowed a candidate a mandatory recount if he came within 1% of victory.

First, the proposal would shorten the time after an election that multi-county candidates would have to wait before filing for a recount; they could file eight days after an election and not have to wait until after the Statewide canvass (held three weeks after the election). Second, the proposal would change the statewide trigger for a mandatory recount from 1% to 0.5% or 10,000 votes, whichever is less. The proposal was incorporated into a bill.

9. Removal of Sunset From Write-In Law. The Committee endorsed a bill (Legislative Proposal IX), proposed by Representative Beall, to remove the expiration date ("sunset") from a 1987 law limiting write-in voting in general elections. The law forbids the counting of write-in votes for any candidate who was defeated for the same office in the primary, or any other candidate who has not timely filed petitions and a declaration of intent. The expiration date was set at June 17, 1989, two years after ratification.

10. Permit Election Announcements on Broadcast Stations as Well as in Newspapers. The Committee endorsed a proposal, put forth by Representative Bowen, to allow boards of elections to make announcements on radio stations as well as in newspapers. The proposal was incorporated in a bill (Legislative Proposal X).

11. Absentee Ballot Changes. The Committee tentatively endorsed several proposals, put forth by Representative Beall, that were intended to make absentee voting easier. The proposals were:

    a. The consolidation of the present four kinds of absentee ballot application forms into one form with check-off boxes for the four reasons for needing an absentee ballot.

    b. A clarification that there is no requirement that a precinct registrar witness the new signature of an applicant for absentee ballot whose name had changed since registering. Mr. Beall said this requirement worked a hardship on women recently married.

    c. The requirement that the two witnesses required for absentee voting respect the secrecy of the ballot and the privacy of the absentee voter.

    d. The improvement of instruction sheets for absentee ballots issued by county boards of elections.

    e. The creation of a special application policy for voters who have long-term disabilities that prevent their presence at a voting place. Instead of making a separate request for an absentee-ballot application and submitting a separate application for each election, long term invalids would be able to file one application for all the elections in a calendar year. If approved by the county board of elections, that application would entitle the voter to be mailed ballots for each election during the year. The application would require a physician's certification of the voter's long term incapacity.

At the Chair's direction, Proposals a-e were incorporated in one bill (See Legislative Proposal XI) and Proposal e was drafted into a separate bill (See Legislative Proposal XII).

The Committee rejected the idea, suggested for consideration by Ms. Southerland, that the limitation on campaign contributions per contributor be set at $4,000 for each year other than the election year. Currently, the limit is $4,000 per election, regardless of the number of years before elections.

Fourth Meeting -- December 2, 1988

At its fourth meeting, the Committee approved this report. In doing so, it made changes to its earlier proposal on editorials in the definition of "political committees" (see Legislative Proposal I), added to its Mandatory Recount Law proposals a provision clarifying who may call for a recount (see Legislative Proposal VIII), and approved draft bills on broadcast ads (Legislative Proposal X) and absentee ballots (Legislative Proposals XI and XII).

FINDINGS AND RECOMMENDATIONS.

I. Editorials.

FINDING: That it was never the intent of the General Assembly to require a newspaper to file as a political committee simply because it endorses a candidate on its editorial page. Nonetheless, formal complaints have been filed in attempts to use the wording of the Campaign Finance Act to force newspapers so to file.

RECOMMENDATION: That the wording of the definition of "political committee" be amended in the Campaign Finance Act to make clear that an endorsement by a daily or any variant of a weekly newspaper does not, by itself, make the newspaper a "political committee." (Legislative Proposal I)

II. Party Committees and Threshold.

FINDING: That many political party committees in small counties and districts raise and spend well under $500 per campaign. Nonetheless, those committees must file all campaign finance reports. Paper proliferates. The 1988 Session exempted candidates who neither raise, borrow, nor spend less than $500 in an election.

RECOMMENDATION: That the $500 threshold for filing financial reports be extended to political party committees. (Legislative Proposal II)

III. Technical Correction on Misdemeanors.

FINDING: That the 1987 General Assembly intended to standardize all misdemeanor penalties in the election laws to a maximum of six months in prison or a maximum of $1,000 fine or both. The penalty for illegal campaign solicitations was overlooked.

RECOMMENDATION: That the oversight be corrected. (Legislative Proposal III)

IV. Administrative Support for PACs.

FINDING: That a few corporations, unions, associations, etc., that are parent entities to in-house political committees have begun exploiting the loophole of "administrative support" by pouring large amounts of resources into PACs that are in theory supported only by contributions from the employees or members of the parent entities. The integrity of the ban on contributions to candidates by corporations, unions and associations may be threatened.

RECOMMENDATION: That administration support of an in-house PAC by its parent entity be limited to 10% of contributions made to the PAC. (Legislative Proposal IV)

V. Out-of-Pocket Contributions by Candidates.

FINDING: That sometimes a campaign treasurer will a submit a financial report whose total for contributions does not balance with its total for expenditures

because out-of-pocket spending by a candidate for the campaign has not been listed on the report as a contribution.

RECOMMENDATION: That the statute should be reworded to reflect clearly what the State Board of Elections already regards the law to be-- that spending for the campaign by a candidate should be reported as a contribution to the campaign. (Legislative Proposal V)

VI. In-Kind Contributions.

FINDING: That sometimes a campaign treasurer will a submit a financial report whose total for contributions does not balance with its total for expenditures because an "in-kind" contribution is not reported both as a contribution to the campaign and an expenditure by it.

RECOMMENDATION: That the statute should be reworded to reflect clearly what the State Board of Elections already regards the law to be-- that an "in-kind" contribution is any contribution other than cash, and that the accounting procedure for reporting such a contribution should be to report it both as a contribution and as an expenditure. (Legislative Proposal VI)

VII. Economic Interest Statements.

FINDING: That, in a constructive attempt to eliminate duplication in the filing of Economic Interest Statements by legislators and legislative candidates, the General Assembly in 1988 created a situation in which the Statements of legislators could not be found in one central place.

RECOMMENDATION: That the Economic Interest Statement statute be amended to require that county boards of elections forward to the Legislative Services Office in Raleigh the Statements of all successful legislative candidates once they are certified as elected. The result would be that each legislative candidate would file one Statement, to the county board of elections at the beginning of his candidacy. The Statement would be accessible to local citizens and media during the campaign. If that candidate is elected to the General Assembly, his Statement would be forwarded to Raleigh without his having to make a duplicate filing. There it would be accessible in the Legislative Library to those who make it their business to follow the General Assembly. (Legislative Proposal VII)

VIII. Automatic Recounts.

A. New Statewide Formula.

FINDING: That, when the 1987 General Assembly enacted a law entitling candidates to recounts if their margin of loss is 1% or less of the total vote, an unintended effect was to give recounts to some Statewide candidates who lose by up to 15,000 votes. A recount is unlikely to change 15,000 votes and would be a wasteful use of taxpayers' money.

RECOMMENDATION: That the Automatic Recount Law be amended so that a Statewide candidate is entitled to a recount only if his margin of loss is 0.5% or 10,000 votes, whichever is less. (Legislative Proposal VIII)

B. Shorter Deadline.

FINDING: That the Automatic Recount Law sets the deadline for multi-county candidates to demand a recount at two days after the canvass. The canvass for multi-county races is conducted three weeks after the election. The result is a long deadline that may needlessly leave a race unresolved for almost a month, even though the initial returns are already known.

RECOMMENDATION: That the Automatic Recount Law be amended to set the deadline for multi-county candidates to demand a recount at eight days after the election. (Legislative Proposal VIII)

C. The "Next Highest" Problem.

FINDING: The Automatic Recount Law was written so as to entitle the candidate with the "next highest number of votes" after an apparent winner to a recount if that candidate was within the 1% range. The situation has occurred in which a candidate below the "next highest" nonetheless came within the 1% range of a candidate with the winning number of votes. The General Assembly surely did not intend to prevent such a candidate from calling for a recount.

RECOMMENDATION: That the statute be clarified so that any candidate within the automatic-recount range be entitled to a recount, whether he is next highest or not. (Legislative Proposal VIII)

IX. Write-In Sunset Removal.

FINDING: That the 1987 act to require petitions and declarations of intent for write-in candidates was enacted with a two-year expiration date to give the act a trial run in the 1988 elections. The sunset date is June 17, 1989. That the new procedure was used without serious complications.

RECOMMENDATION: That the sunset be removed and the act made permanent. (Legislative Proposal X)

X. Broadcast Ads as Notice.

FINDING: That in several places the Election Law requires boards of elections to make public notices by advertising in a newspaper. That many people do not read newspapers, but get their information about the world by listening to broadcast stations. That some people who are fully qualified to vote are illiterate. That allowing the boards of elections to advertise on broadast stations as well as in newspapers would serve the purpose of disseminating the information as well as the purpose of fairness to the different types of media.

RECOMMENDATION: That boards of elections be given the discretion to advertise on broadcast stations or in newspapers or both. (Legislative Proposal X)

XI. Absentee Ballot Amendments.

FINDING: That the procedure of voting by absentee ballots in North Carolina is cumbersome and confusing for the voter and for the local election official.

RECOMMENDATION: That the present four types of absentee-ballot application forms (Forms A, B, C, and OS) be consolidated into one standard application form with check-off boxes for the types of absentee-ballot applications. (Legislative Proposal XI)

RECOMMENDATION: That the statute be clarified so that it is clear that a precinct registrar need not witness a voter's name change as a prerequisite for that voter to vote by absentee ballot under the new name. (Legislative Proposal XI)

RECOMMENDATION: That language be added to ensure that the two persons who must witness absentee voting shall at all times respect the secrecy of the ballot and the privacy of the absentee voter unless their assistance is requested. (Legislative Proposal XI)

RECOMMENDATION: That the State Board of Elections be urged to upgrade the clarity of instruction sheets that county boards distribute for absentee ballots.

XII. Long-Term Issuance of Absentee Ballots.

FINDING: That old age or infirmity may render some qualified voters unable over a long term to vote at a voting place. That it is a burden on such persons and their near relatives to have to make separate requests for applications and fill out separate applications for each election.

RECOMMENDATION: That special consideration be given to a qualified voter who because of old age or infirmity is unable over a long term to vote at a voting place. That such a qualified voter be allowed to certify to such condition. That a qualified voter who so certifies be mailed, on the strength of one application, absentee ballots for all the primaries and elections held in the calendar year when the application is submitted. (Legislative Proposal XII)

APPENDIX A

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION
RATIFIED BILL

CHAPTER 873
HOUSE BILL 1

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, TO MAKE APPROPRIATIONS THEREFOR, AND TO AMEND STATUTORY LAW.

The General Assembly of North Carolina enacts:

PART I. TITLE

Section 1. This act shall be known as "The Study Commissions and Committees Act of 1987."

. . .

PART II. ---LEGISLATIVE RESEARCH COMMISSION

Sec. 2.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1987 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

. . .

(23) Campaign and Election Procedures (H.B. 1533-Crawford,N.).

. . .

Sec. 2.6. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation to the 1989 General Assembly.

Sec. 2.7. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

. . .

---EFFECTIVE DATE

Sec. 31. This act is effective on July 1, 1987.

APPENDIX B

MEMBERSHIP OF LRC COMMITTEE ON CAMPAIGN AND ELECTION PROCEDURES.

Pres. Pro Tem's Appointments

Sen. Russell Walker, Cochair
1004 Westmont Drive
Asheboro, NC 27203
(919) 625-2572

Mr. Elton Edwards
Post Office Box 448
Greensboro, NC 27402
(919) 373-8764

Sen. James E. Ezzell, Jr.
Post Office Box 8225
Rocky Mount, NC 27804
(919) 443-1505

Hon. J. Russell Kirby
Attorney at Law
Post Office Box 249
Wilson, NC 27893
(919) 243-6141

Sen. R. L. Martin
Post Office Box 387
Bethel, NC 27812
(919) 825-4361

Speaker's Appointments

Rep. Donald M. Dawkins, Cochair
126 S. Hancock Street
Rockingham, NC 28379
(919) 895-6331

Rep. Charles M. Beall
Route 3, Box 322
Clyde, NC 28721
(704) 627-2423

Rep. George W. Brannan
Route 4, Box 134
Smithfield, NC 27577
(919) 934-8877

Rep. N. J. Crawford
15 Edgemont Road
Asheville, NC 28801
(704) 252-6972

Rep. Jeff H. Enloe, Jr.
137 Old Murphy Road
Franklin, NC 28734
(704) 524-2632

Staff: Mr. William R. Gilkeson
Legislative Services Office
(919) 733-2578

Mr. Gerry Cohen
Legislative Services Office
(919) 733 6660

Clerk: Ms. Sybil Barnes
(919) 733-3460 (O)
(919) 787-0422 (H)

LRC Member: Sen. Henson P. Barnes

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION
RATIFIED BILL

CHAPTER 1028
HOUSE BILL 858

AN ACT TO PROHIBIT WITHDRAWAL OF CANDIDACY AFTER FILING DEADLINE AND TO ADDRESS OTHER CAMPAIGN AND ELECTION MATTERS.

The General Assembly of North Carolina enacts:

-----NO WITHDRAWING NOTICE OF CANDIDACY IN PRIMARY AFTER FILING DEADLINE.

Section 1. Effective with respect to elections held on or after January 1, 1989, G.S. 163-106(e) reads as rewritten:

"(e) Withdrawal of Notice of Candidacy. -- Any person who has filed notice of candidacy for an office shall have the right to withdraw it at any time prior to the date on which the right to file for that office expires under the terms of subsection (c) of this section. If a candidate does not withdraw before the filing deadline, except as provided in G.S. 163-112, his name shall be printed on the primary ballot, any votes for him shall be counted, and he shall not be refunded his filing fee."

-----THRESHOLD OF $500.00 FOR CAMPAIGN FINANCIAL REPORTING.

Sec. 2. Effective with respect to elections held on or after January 1, 1989, Chapter 163 of the General Statutes is amended by inserting a new section to read:

"**§ 163-278.10A. Threshold of $500.00 for Financial Reports.**--Notwithstanding any other provision of this Chapter, no candidate who receives in contributions or expends $500.00 or less shall be required to file any of the contribution and expenditure reports required in G.S. 163-278.9(a) or 163-278.40B, 278.40C, 278.40D, or 278.40E. To qualify for the exemption from those reports, the candidate's treasurer shall file a certification under oath that he does not intend to receive in contributions or expend more than $500.00 to further his campaign. The certification shall be filed with the Board at the same time the candidate files his Organizational Report as required in G.S. 163-278.7, G.S. 163-278.9, and G.S. 163-278.40A. If the candidate's campaign is being conducted by a political committee which is handling all contributions and expenditures for his campaign, the treasurer of the political committee shall file a certification of intent to stay within the threshold amount. If the intent to stay within the threshold changes, or if the $500.00 threshold is exceeded, the treasurer shall immediately notify the Board and shall be responsible for filing all reports required in G.S. 163-278.9 and 163-278.40B, 278.40C, 278.40D, and 278.40E; provided that any contribution or expenditure which would have been required to be reported on an earlier report but for this section shall be included on the next report required after the intent changes or the threshold is exceeded."

-----ECONOMIC INTEREST REPORTING.

Sec. 3. Effective January 1, 1989. Chapter 120 of the General Statutes is amended by repealing G.S. 120-91, 120-95, 120-97, and the final sentence of G.S. 120-92.

Sec. 4. Effective January 1, 1989, G.S. 120-98(a) reads as rewritten:

"(a) ~~In the case of a candidate, if~~ If a candidate does not file the statement of economic interest within the time required by this Article ~~is not filed when required herein~~, the county board of elections shall immediately serve notice on the candidate by registered mail, restricted delivery to addressee only, that, ~~his name will not be placed on the ballot.~~ ~~If~~ if the statement is not received within 15 days after receiving notice, the candidate shall not be certified as the nominee of his party. If the statement is not received within 15 days of notification, the board of elections authorized to certify a candidate as nominee to the office shall not certify the candidate as nominee under any circumstances, regardless of the number of candidates for the nomination and regardless of the number of votes the candidate receives in the primary. ~~be disqualified and his filing fee returned.~~ A vacancy thus created on a party's ticket shall be considered a vacancy for the purposes of G.S. 163-114, and shall be filled according to the procedures set out in G.S. 163-114."

Sec. 5. Effective January 1, 1989, G.S. 120-98(b) is repealed.

----DEADLINE FOR FILING ANNUAL CAMPAIGN FINANCIAL REPORT.

Sec. 6. Effective with respect to elections held on or after September 1, 1988, G.S. 163-278.9(a)(6) reads as rewritten:

"(6) Annual Reports. -- If contributions are received or expenditures made during a calendar year, for which no reports are otherwise required by this Article, any and all such contributions and expenditures shall be reported by ~~January 7~~ the last Friday in January of the following year."

Sec. 7. Effective with respect to elections held on or after September 1, 1988, G.S. 163-278.40B(4) reads as rewritten:

"(4) Annual Report. -- If contributions are received or expenditures made during a calendar year, for which no reports are otherwise required by this section, any and all contributions and expenditures shall be reported by ~~January 7~~ the last Friday in January of the following year."

Sec. 8. Effective with respect to elections held on or after September 1, 1988, G.S. 163-278.40C(3) reads as rewritten:

"(3) Annual Report. -- If contributions are received or expenditures made during a calendar year, for which no reports are otherwise required by this section, any and all such contributions and expenditures shall be reported by ~~January 7~~ the last Friday in January of the following year."

Sec. 9. Effective with respect to elections held on or after September 1, 1988, G.S. 163-278.40D(3) reads as rewritten:

"(3) Annual Report. -- If contributions are received or expenditures made during a calendar year, for which no reports are otherwise required by this section, any and all contributions and expenditures shall be reported by ~~January 7~~ the last Friday in January of the following year."

Sec. 10. Effective with respect to elections held on or after September 1, 1988, G.S. 163-278.40E(3) reads as rewritten:

"(3) Annual Report. -- If contributions are received or expenditures made during a calendar year, for which no reports are otherwise required by this section, any and all such contributions and expenditures shall be reported by ~~January 7~~ the last Friday in January of the following year."

----CLARIFICATION OF APPEAL PROCEDURE FOR CHALLENGES.

Sec. 11. Effective with respect to challenges made on or after the date of ratification of this act, G.S. 163-90.2 is amended by adding a new subsection to read:

"(d) A decision by a county board of elections on any challenge made under the provisions of this Article shall be appealable to the Superior Court of the county in which the offices of that board are located within 10 days. Only those persons against whom a challenge is sustained or persons who have made a challenge which is overruled shall have standing to file such appeal."

-----REPLACING OF REGISTRARS AND JUDGES.

Sec. 12. This section is effective upon ratification, except that if any person was appointed a registrar or judge of election during calendar year 1988 by the chairman of the county board of elections because a vacancy occurred, the term of office of the person appointed shall expire September 1, 1988, unless the successor was a person nominated by the chairman of the county political party of the vacating officer. G.S. 163-41(a) reads as rewritten:

"(a) Appointment of Registrar and Judges. -- At the meeting required by G.S. 163-31 to be held on the Tuesday following the third Monday in August of the year in which they are appointed, the county board of elections shall appoint one person to act as registrar and two other persons to act as judges of election for each precinct in the county. Their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. It shall be their duty to conduct the primaries and elections within their respective precincts. Persons appointed to these offices must be registered voters and residents of the precinct for which appointed, of good repute, and able to read and write. Not more than one judge in each precinct shall belong to the same political party as the registrar.

The term 'precinct official' shall mean registrars and judges appointed pursuant to this section, and all assistants appointed pursuant to G.S. 163-42, unless the context of a statute clearly indicates a more restrictive meaning.

No person shall be eligible to serve as a precinct official, as that term is defined above, who holds any elective office under the government of the United States, or of the State of North Carolina or any political subdivision thereof.

No person shall be eligible to serve as a precinct official who is a candidate for nomination or election.

No person shall be eligible to serve as a precinct official who holds any office in a state, congressional district, county, or precinct political party or political organization, or who is a manager or treasurer for any candidate or political party, provided however that the position of delegate to a political party convention shall not be considered an office for the purpose of this subsection.

The chairman of each political party in the county where possible shall recommend two registered voters in each precinct who are otherwise qualified, are residents of the precinct, have good moral character, and are able to read and write, for appointment as registrar in the precinct, and he shall also recommend where possible the same number of similarly qualified voters for appointment as judges of election in that precinct. If such recommendations are received by the county board of elections no later than the fifth day preceding the date on which appointments are to be made, it must make precinct appointments from the names of those recommended. Provided that if only one name is submitted by the fifth day preceding the date on which appointments are to be made, by a party for judge of election by the chairman of one of the two political parties in the county having the greatest numbers of registered voters in the State, the county board of elections must appoint that person.

If, at any time other than on the day of a primary or election, a registrar or judge of election shall be removed from office, or shall die or resign, or if for any other cause there be a vacancy in a precinct election office, the chairman of the county

board of elections shall appoint another in his place, promptly notifying him of his appointment. If at all possible, the chairman of the county board of elections shall consult with the county chairman of the political party of the vacating official, and if the chairman of the county political party nominates a qualified voter of that precinct to fill the vacancy, the chairman of the county board of elections shall appoint that person. In filling such a vacancy, the chairman shall appoint a person who belongs to the same political party as that to which the vacating member belonged when appointed. If the chairman of the county board of elections did not appoint a person upon recommendation of the chairman of the party to fill such a vacancy, then the term of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county board of elections under this Chapter, and any successor must be a person nominated by the chairman of the party of the vacating officer.

If any person appointed registrar shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the precinct judges of election shall appoint another to act as registrar until such time as the chairman of the county board of elections shall appoint to fill the vacancy. If such appointment by the chairman of the county board of elections is not a person nominated by the county chairman of the political party of the vacating officer, then the term of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county board of elections under this Chapter. If a judge of election shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the registrar shall appoint another to act as judge until such time as the chairman of the county board of elections shall appoint to fill the vacancy. Persons appointed to fill vacancies shall, whenever possible, be chosen from the same political party as the person whose vacancy is being filled, and all such appointees shall be sworn before acting.

As soon as practicable, following their training as prescribed in G.S. 163-80(d), each registrar and judge of elections shall take and subscribe the following oath of office to be administered by an officer authorized to administer oaths and file it with the county board of elections:

> 'I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State not inconsistent with the Constitution of the United States; that I will administer the duties of my office as registrar of (judge of elections in) ..... precinct..... County, without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition; and that I will not keep or make any memorandum of anything occurring within a voting booth, unless I am called upon to testify in a judicial proceeding for a violation of the election laws of this State; so help me, God.'

Notwithstanding the previous paragraph, a person appointed registrar by the judges of election under this section, or appointed judge of election by the registrar under this section may take the oath of office immediately upon appointment.

Before the opening of the polls on the morning of the primary or election, the registrar shall administer the oath set out in the preceding paragraph to each

assistant, and any judge of elections not previously sworn, substituting for the words 'registrar of' the words 'assistant in' or 'judge of elections in' whichever is appropriate."

-----COUNTING OF VOTES IN MULTI-SEAT RACE WHERE VOTER MARKS STRAIGHT-TICKET, THEN MARKS LESS THAN A FULL SLATE OF THAT PARTY'S NOMINEES.

Section 13. Effective with respect to elections held on or after September 1, 1988, G.S. 163-170.1 reads as rewritten:

"§ 163-170.1. Counting of ballots in multi-seat races where voter votes straight-party ticket and for individual candidates of that party but not for individual candidates of another party.--Notwithstanding any other provision of this act, in the case of a multi-seat race, if a voter votes a straight-party ticket, and also votes for individual candidates of that party but not for individual candidates of another party, the ballot shall be counted for that office only for the individual candidates so marked ~~for all the candidates for that multi-seat race of the party whose straight ticket has been marked~~. The State Board of Elections shall by ~~regulation~~ directive amend the instructions provided by this act, if necessary, to effectuate this section."

-----EFFECTIVE DATES.

Sec. 14. This act is effective as provided herein.

In the General Assembly read three times and ratified this the 30th day of June, 1988.

ROBERT B. JORDAN III

Robert B. Jordan III
President of the Senate

LISTON B. RAMSEY

Liston B. Ramsey
Speaker of the House of Representatives

APPENDIX C

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION
RATIFIED BILL

CHAPTER 1081
HOUSE BILL 1206

AN ACT TO REPEAL AN OBSOLETE PROVISION IN THE REVENUE LAWS, MODIFY THE DEFINITION OF "FLEA MARKET" FOR LICENSE TAX PURPOSES, AND MAKE TECHNICAL CORRECTIONS TO ELECTION LAWS, AND THE EMPLOYEE THEFT STATUTE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-57 is repealed.

Sec. 2. G.S. 105-53(d) reads as rewritten:

"(d) Flea Market Vendor. -- Every person engaged in business as a flea market vendor shall obtain a license from the Secretary of Revenue for the privilege of engaging in such business and shall pay an annual tax of twenty-five dollars ($25.00) for a statewide license. A 'flea market vendor' is a merchant, other than a merchant with an established retail store in the county, who transports an inventory of goods to a flea market licensed under subsection (c) of this section and who, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail. A 'flea market' is a location, other than a permanent retail store, ~~store or the enclosed area of a mall or shopping center,~~ where space is rented to others for the purpose of selling goods at retail or offering goods for sale at retail."

Sec. 3. Section 2 of Chapter 1028 of the 1987 Session Laws reads as rewritten:

"Sec. 2. Effective with respect to elections held on or after January 1, 1989, Chapter 163 of the General Statutes is amended by inserting a new section to read:

'**§ 163-278.10A. Threshold of $500.00 for Financial Reports.**--Notwithstanding any other provision of this Chapter, ~~no~~ a candidate shall be exempted from the reports of contributions, loans, and expenditures required in G.S. 163-278.9(a), 163-278.40B, 278.40C, 278.40D, and 278.40E if to further his campaign that candidate:

(a) Does not receive more than five hundred dollars ($500.00) in contributions, and

(b) Does not receive more than five hundred dollars ($500.00) in loans, and

(c) Does not spend more than five hundred dollars ($500.00),

~~who receive, in contributions or expend $500.00 or less shall be required to file any of the contribution and expenditure reports required in G.S. 163-278.9(a) or 163-278.40B, 278.40C, 278.40D, or 278.40E.~~ To qualify for the exemption from those reports, the candidate's treasurer shall file a certification under oath that he does not intend to receive in contributions or loans or expend more than five hundred dollars ($500.00) to further his campaign. The certification shall be filed with the Board at the same time the candidate files his Organizational Report as required in G.S. 163-278.7, G.S. 163-278.9, and G.S. 163-278.40A. If the candidate's campaign is being

conducted by a political committee which is handling all contributions, loans, and expenditures for his campaign, the treasurer of the political committee shall file a certification of intent to stay within the threshold amount. If the intent to stay within the threshold changes, or if the $500.00 threshold is exceeded, the treasurer shall immediately notify the Board and shall be responsible for filing all reports required in G.S. 163-278.9 and 163-278.40B, 278.40C, 278.40D, and 278.40E; provided that any contribution, loan, or expenditure which would have been required to be reported on an earlier report but for this section shall be included on the next report required after the intent changes or the threshold is exceeded.'"

Sec. 4. Chapter 1028 of the 1987 Session Laws is amended by inserting a new Section 3.1 between Sections 3 and 4 to read:

"Sec. 3.1. Effective January 1, 1989, G.S. 120-93 reads as rewritten:

'§ **120-93. County boards of elections to notify candidates of economic-interest-statement requirements.**--Each county board of elections shall provide for notification of the economic-interest-statement requirements of G.S. ~~120-95 and 120-96~~ 120-89, 120-96, and 120-98 to be given to any candidate filing for nomination or election to the General Assembly at the time of his or her filing in the particular county.'"

Sec. 4.1. G.S. 1-538.2(a) and (b) reads as rewritten:

"(a) Any person, other than an unemancipated minor, who commits an act that is punishable under G.S. 14-72.1 or G.S. ~~14-74~~ 14-72 is liable for civil damages to the owner of the property. In any action brought by the owner of the property he is entitled to recover the value of the goods or merchandise, if the goods or merchandise have been destroyed, or any loss of value to the goods or merchandise, if the goods or merchandise were recovered, or the amount of any money lost by reason of the embezzlement or fraud of an employee. In addition to the above, the owner of the property is entitled to recover any consequential damages, and punitive damages, together with reasonable attorneys fees. If damages are assessed against the defendant, in favor of the plaintiff, the amount established for actual or consequential damages shall be trebled. The total of all damages awarded to a plaintiff against a defendant in an action under this section shall not exceed one thousand dollars ($1,000).

(b) The parent or legal guardian, having the care, custody and control of an unemancipated minor who commits an act punishable under G.S. 14-72.1 or G.S. ~~14-74~~ 14-72, is civilly liable to the owner of the property obtained by the act if such parent or legal guardian knew or should have known of the propensity of the child to commit such an act; and had the opportunity and ability to control the child, and made no reasonable effort to correct or restrain the child. In an action brought against the parent or legal guardian by the owner, the owner is entitled to recover the amounts specified in subsection (a) except punitive damages."

APPENDIX D

Sec. 5. This act shall become effective July 1, 1988. No liability for the tax levied under G.S. 105-57 prior to its repeal is discharged as a result of the repeal, and no right to a refund that accrued before the repeal of G.S. 105-57 may be denied because of its repeal.

In the General Assembly read three times and ratified this the 8th day of July, 1988.

ROBERT B. JORDAN III

Robert B. Jordan III
President of the Senate

LISTON B. RAMSEY

Liston B. Ramsey
Speaker of the House of Representatives

APPENDIX D

APPENDIX E

STATE BOARD OF ELECTIONS

SUITE B01 RALEIGH BUILDING
5 WEST HARGETT STREET
RALEIGH, NORTH CAROLINA 27601

ALEX K. BROCK
EXECUTIVE SECRETARY –
DIRECTOR

P O BOX 1166
RALEIGH NC 27602
(919) 733-7173

SUPER TUESDAY - 1988:

AN ANALYSIS

The widely publicized Presidential Preference Primary conducted in North Carolina and fifteen other states (as shown on attached schedule) on March 8, 1988 was not the "wonder event" that many had speculated it might be. However, it was far from being an electoral failure!

In North Carolina we greatly increased the attention we received from the viable candidates who escaped being 'frozen' out of contention after the "winter olympics" in Iowa and New Hampshire. The media "over coverage" of these two events can be held accountable for the demise of quality candidates in both political parties. The results from both Iowa and New Hampshire should not have greatly altered the standing of any candidates. But in spite of the relatively few delegates involved in New Hampshire, the national news media established the perception (largely among themselves) that the winners in New Hampshire were 'ipso-facto' the decided front runners.

All of the networks moved into Iowa and New Hampshire and created the allusion of a must win situation. The many telephone calls received in our office from voters in North Carolina reflected the unbelievable attitude that "it's all over before we get to vote".

Having presented the picture of the Presidential primary exercises prior to Super Tuesday, it is important to look realistically at what the

Southern Regional Primary should have attracted. The candidates, by conventional campaign wisdom, should have been in our area during most of January and February with occasional stops in Iowa and New Hampshire. In other words, as far as 1988 is concerned, the wagon was pulling the horse. New Hampshire is not much larger than our capital county, but yet its mythical magic produces an extravaganza that could be compared only to the ridiculous solution to destroying a tiny ant hill by bringing in a herd of elephants to stamp them out. So, if the same myths continue to exist relative to the New Hampshire event, then our Southern Regional Primary will continue to play "second fiddle" --- not justifiably but nevertheless as a political fact.

It appears that North Carolina did benefit to a greater degree in 1988 than in 1984 and previous years -- only marginally -- but noticeably. One might say that in 1984 the candidates flew over the state and dropped leaflets from their respective airplanes, while in 1988 they were enticed to land their airplanes and hold news conferences on the airport tar macs.

I do believe that if the primary is continued we will improve the attention given by the candidates on a progressive basis over a period of time as the importance of the potential impact of such a primary is finally able to penetrate the political thinking of those custodians of planning and wisdom who call the shots from the national vantage point. In other words, over a period of time our primary would enjoy a prominent place, but not after only one experience. There could be a more <u>insistent</u> attitude on the part of both political parties to the candidates involved that North Carolina is going to listen to and give favorable consideration to those candidates who give of their time and come into the state and "solicit support from our people".

On the other hand, if it is the thinking of those who legislate that we need maximum attention and much broader coverage of our Presidential primary, then my recommendation is simple, brief and will guarantee equal, or greater, attention with New Hampshire ---- change the date of the Presidential primary to the third Tuesday in February !

Some statistical facts:

(1) 679,958 Democrats voted on 3/8/88
representing a 32% turnout

(2) 273,801 Republicans voted on 3/8/88
representing a 32.5% turnout

Respectfully,

Arch K. Brock
3-29-88

APPENDIX E

NUMBER: 44 DATE: DECEMBER 1, 1986

PRESIDENTIAL AND STATE PRIMARIES IN 1988

Listed below are the Presidential and State primaries by month. A separate news release will be done for each state election.

PRESIDENTIAL PRIMARIES 1988

February

16 New Hampshire
23 South Dakota

March

1 Vermont
5 South Carolina (R)
8 Alabama
8 Arkansas
8 Florida
8 Georgia
8 Kentucky
8 Louisiana
8 Maryland
8 Massachusetts
8 Mississippi
8 Missouri
8 North Carolina
8 Oklahoma
8 Rhode Island
8 Tennessee
8 Texas
8 Virginia
15 Illinois
20 Puerto Rico
29 Connecticut

April

5 Wisconsin
19 New York
26 Pennsylvania

May

3 District of Columbia
3 Indiana
3 Ohio
10 Nebraska
10 West Virginia
17 Oregon
24 Idaho

June

7 California
7 Montana
7 New Jersey
7 New Mexico
14 North Dakota

November

8 Election Day

(R) Republican Party only

APPENDIX E

Telephone AC(202) 694-4928/4960 Autovon 224-4928/4960

STATE PRIMARIES 1988

March

8 Arkansas
8 Maryland
8 Massachusetts
8 Mississippi
8 Texas
15 Illinois

April

26 Pennsylvania

May

3 Indiana
3 North Carolina
3 Ohio
10 Nebraska
10 West Virginia
17 Oregon
24 Idaho
24 Kentucky

June

7 Alabama
7 California
7 Iowa
7 Montana
7 New Mexico
7 South Dakota
14 Maine
14 North Dakota
14 South Carolina
14 Virginia

August

2 Kansas
2 Michigan
2 Missouri
4 Tennessee
9 Colorado
9 Georgia
16 Wyoming
23 Alaska
23 Oklahoma

September

3 Guam
6 Florida
6 Nevada
10 Delaware
13 Arizona
13 District of Columbia
13 Minnesota
13 New Hampshire
13 New York
13 Rhode Island
13 Utah
13 Vermont
13 Virgin Islands
13 Wisconsin
14 Connecticut
17 Hawaii
20 Washington

October

1 Louisiana

November

8 Election Day

If information or answers being sought cannot be handled locally, write to Director, Federal Voting Assistance Program, Department of Defense, Room 1B457, Pentagon, Washington, D.C. 20301, or call Autovon 225-0663 or commercial (202) 695-0663.

END

APPENDIX E

PRELIMINARY REPORT ON CVRF PROJECT FOR 1987-88

Submitted by

John L. Cheney, Jr.
Director of Publications, Department of the Secretary of State

OVERVIEW: The 1987 General Assembly enacted legislation directing the Secretary of State in conjunction with SIPS (State Information Processing Services) to create a master tape of all the registered voters in counties where a computerized voter registration system existed. Working with the Data Processing Section of the Center for Urban Studies and Community Services at North Carolina State University, a standardize format for the proposed file was created and sent to the counties during September, 1987. Counties were instructed on what to do and were informed that reimbursement of up to $600.00 would be given them to defray all or part of the expenses associated with the conversion. By the end of January, 1988 the master tape was complete.

EVALUATION: The CVRF Project revealed the problems associated with the lack of a centralized and uniform system for registering voters in North Carolina. At the start of the project 73 counties in North Carolina had some type of automated system for the voter registration. The type of systems in place ran the full spectrum of available and out dated technology. Yadkin County is operating on a Radio Shack TRS80, Model 12 which proved useless in complying with the guidelines. The larger counties like Forsyth, Guilford, and Wake all have centralized computer systems serving the entire operations of county government. Unfortunately, voter registration and Board of Election projects do not have a very high priority except during an election period. This created a major problem and in many cases resulted in tapes having to be returned to counties because formating instructions had not been followed.

Of the 73 automated counties 63 were able to be copied to a mater file; nine counties submitted data that was unusable, even after several attempts. Nevertheless the numbers are still above what was estimated for the project by those of us working on the project. At the outset we hope for a 75% participation rate by applicable counties and hoped to have a master containing 70% of the registered voters in North Carolina. The actual results exceeded these estimates as 88% of the counties (63 or 73) became a part of master file representing 84% of the total registered voters in North Carolina (2,591,844 or 3,092,138) as of October 5, 1987.

Overall the project was a success. We have discovered two problems with the initial file format layout - the precinct field length proved too short and resulted in the truncation of precinct names which exceeded 15 characters and we grouped first and second primary participation in a single entry which helped record keeping, but hindered voter participation studies. These have

been corrected and should improve reporting for 1988. Expenses stayed well within budget figures on all but one area - costs billed by SIPS for creating the master file. Initial estimates indicated that development costs should be around $7,500.00; however, the actual expenses turned out to be more than double this amount - most of which were directly attributed to correctable errors on the part of the counties. Failure to follow format guidelines and normally accepted DP practices were the cause of most problems. Reimbursement costs by the counties averaged just over $525.00, well within the $600.00 allotment. In addition to supplying the two political parties with copies as required in the law, seven copies of the master file tapes were sold at the designated fee of $1000.00.

SUMMATION: The project should be continued with perhaps more flexibility as to what can be supplied to would-be purchasers. There is a very real need for more guidance for the counties in regards to automated voter registration. The lack of a reguired uniform format and the different software and hardware configuration is a problem. There is a serious need for a centralized voter registration system in North Carolina and every effort should be made to begin implementation within the next two years. We have begun doing a cursory examination of what other states are doing and evaluating what would be needed to implement such a system in our State; however, a complete feasibility study should be done in conjunction with the 1988-89 CVRF Project and a full report submitted to the 1989 General Assembly. Such a study could probably be done for under $35,000.00.

APPENDIX G

LEGISLATIVE PROPOSALS

I - XII

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H D

LEGISLATIVE PROPOSAL I
THIS IS A DRAFT 16-DEC-88 10:04:23

Short Title: PAC Definition Change. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE DEFINITION OF "POLITICAL COMMITTEE" SO THAT MAKING AN EDITORIAL-PAGE ENDORSEMENT DOES NOT TRIGGER "POLITICAL COMMITTEE" STATUS IN A NEWSPAPER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.6(14) reads as rewritten:

"(14) The term "political committee" means a combination of two or more individuals, or any person, committee, association, or organization, the primary or incidental purpose of which is to support or oppose any candidate or political party or to influence or attempt to influence the result of an election or which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the nomination or election of any candidate at any election, or which receives contributions to repay loans or cover a deficit, or which makes expenditures to satisfy obligations of an election already held. The term includes, without limitation, any political party's State, county or district executive committee. Provided that no daily, semi-weekly, biweekly, or weekly newspaper is a "political

committee" simply because it makes an endorsement on its editorial page."

Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H D

LEGISLATIVE PROPOSAL II
THIS IS A DRAFT 16-DEC-88 10:04:55

Short Title: Party Committees Exemption. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ADD POLITICAL PARTY COMMITTEES TO THE CAMPAIGN FINANCIAL REPORTING EXEMPTION IF THE THRESHOLD IS NOT EXCEEDED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.10A reads as rewritten:

"**§ 163-278.10A. Threshold of $500.00 for Financial Reports.**-(a) Notwithstanding any other provision of this Chapter, a candidate shall be exempted from the reports of contributions, loans, and expenditures required in G.S. 163-278.9(a), 163-278.40B, 278.40C, 278.40D, and 278.40E if to further his campaign that candidate:

~~(a)~~(1) Does not receive more than five hundred dollars ($500.00) in contributions, and

~~(b)~~(2) Does not receive more than five hundred dollars ($500.00) in loans, and

~~(c)~~(3) Does not spend more than five hundred dollars ($500.00).

To qualify for the exemption from those reports, the candidate's treasurer shall file a certification under oath that he does not intend to receive in contributions or loans or expend more than five hundred dollars ($500.00) to further his campaign. The

certification shall be filed with the Board at the same time the candidate files his Organizational Report as required in G.S. 163-278.7, G.S. 163-278.9, and G.S. 163-278.40A. If the candidate's campaign is being conducted by a political committee which is handling all contributions, loans, and expenditures for his campaign, the treasurer of the political committee shall file a certification of intent to stay within the threshold amount. If the intent to stay within the threshold changes, or if the $500.00 threshold is exceeded, the treasurer shall immediately notify the Board and shall be responsible for filing all reports required in G.S. 163-278.9 and 163-278.40B, 278.40C, 278.40D, and 278.40E; provided that any contribution, loan, or expenditure which would have been required to be reported on an earlier report but for this section shall be included on the next report required after the intent changes or the threshold is exceeded."

(b) The exemption in (a) applies to political party committees under the same terms as for candidates, except that the term 'to further his campaign' does not relate to a political party committee's exemption, and all contributions, expenditures, and loans during an election shall be counted against the political party committee's threshold amount."

Sec. 2. This act is effective with respect to all elections occurring on or after January 1, 1990.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S D

LEGISLATIVE PROPOSAL III
THIS IS A DRAFT 16-DEC-88 10:05:09

Short Title: Campaign Solicitation Penalty. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CONFORM THE PENALTY FOR ILLEGAL CAMPAIGN SOLICITATIONS TO OTHER MISDEMEANOR PENALTIES IN THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.20 reads as rewritten:

"**§ 163-278.20. Disclosure before soliciting contributions.** (a) It shal
olitical party without first clearly advising those solicited as follows:

(1) The name of the candidate(s) for whom the contribution will be used; or

(2) The name of the political committee or party for which the funds will be used; or

(3) That a decision will be reached later as to the candidate(s), political committee(s), or political party(ies) to be supported and that the contributions solicited will be expended in a manner and for a purpose to be determined at a future date but no later than 20 days prior to the pending primary or general election; or

(4) The name of the referendum committee for which the funds will be used.

(b) A violation of this section ~~shall be punishable by a fine not less than one hundred dollars ($100.00) nor more than five thousand dollars ($5,000), or imprisonment of not more than one year, or by both fine and imprisonment~~ is a misdemeanor."

Sec. 2. This act shall become effective with respect to elections held on or after January 1, 1990.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H D

LEGISLATIVE PROPOSAL IV
THIS IS A DRAFT 16-DEC-88 10:05:17

Short Title: Administrative Support of PAC. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO LIMIT THE AMOUNT OF "ADMINISTRATIVE SUPPORT A PARENT ENTITY MAY GIVE TO AN INSTITUTIONAL PAC TO 10% OF CONTRIBUTIONS TO THAT PAC.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.19(e) reads as rewritten:

"(e) Notwithstanding the prohibitions specified in this Article and Article 22 of this Chapter, a political committee organized under provisions of this Article shall be entitled to receive and the corporation, business entity, labor union, professional association, or insurance company designated on the committee's organizational report as the parent entity of the employees or members who organized the committee is authorized to give ~~reasonable administrative~~ support ~~that shall include, but not be limited to, record keeping, computer services, billings, mailings to members of the committee, and such other support as is~~ reasonably necessary for the administration of the committee. Administrative support shall not be more than ten percent (10%) of the contributions made to the political committee.

The approximate cost of any record keeping, computer services, billings, mailings, office supplies, and office space provided on a continuing basis shall be submitted to the committee, in writing, and the committee shall include that cost on the annual report required by G.S. 163-278.9(a) (e) [163-278.9(a)(6)]. Also included in the report shall be the approximate allocable portion of the compensation of any officer or employee of the corporation, business entity, labor union, professional association, or insurance company who has devoted more than thirty-five percent (35%) of his time during normal business hours of the corporation, business entity, labor union, professional association, or insurance company during the period covered by the required report. The approximate cost submitted by the parent corporation, business entity, labor union, professional association, or insurance company shall be entered on the committee's annual report as the final entry on its list of "contributions" and a copy of the written approximate cost received by it shall be attached.

The administrative support given by a corporation, business entity, labor union, professional association, or insurance company shall be designated on the books of the corporation, business entity, labor union, professional association, or insurance company as such and may not be treated by it as a business deduction for State income tax purposes."

Sec. 2. This act shall become effective with respect to elections conducted on or after January 1, 1990.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S D

LEGISLATIVE PROPOSAL V
THIS IS A DRAFT 16-DEC-88 10:05:37

Short Title: Spending by Candidates. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT OUT-OF-POCKET EXPENDITURES BY CANDIDATES SHALL BE REPORTED AS CONTRIBUTIONS TO A CAMPAIGN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.6(6) reads as rewritten:

"(6) The terms "contribute" or "contribution" mean any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever, from any person or individual, including the candidate himself, whether or not made in an election year, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution, in support of or in opposition to any candidate, political committee, referendum committee, or political party. These terms include, without limitation, such contributions as labor or personal services, postage, publication of campaign literature or materials, in-kind transfers, loans or use of any supplies, office machinery, vehicles, aircraft, office space, or similar or related services, goods, or personal or real property. These terms also include,

without limitation, the proceeds of sale of services, campaign literature and materials, wearing apparel, tickets or admission prices to campaign events such as rallies or dinners, and the proceeds of sale of any campaign-related services or goods notwithstanding the foregoing meanings of "contribution," the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate, political committee, or referendum committee."

Sec. 2. G.S. 163-278.8 reads as rewritten:

"**§ 163-278.8. Detailed accounts to be kept by political treasurers.**

(a) The treasurer of each candidate, political committee, and referendum committee shall keep detailed accounts, current within not more than seven days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate, political committee, or referendum committee. The account shall include contributions made by the candidate himself to his own committee.

(b) Accounts kept by the treasurer of a candidate, political committee, or referendum committee or the accounts of a treasurer or political committee at any bank or other depository listed under G.S. 163-278.7(b)(7), may be inspected, before or after the election to which the accounts refer, by a member, designee, agent, attorney or employee of the Board who is making an investigation pursuant to G.S. 163-278.22.

(c) A treasurer may not accept a contribution of more than one hundred dollars ($100.00) from a nonresident of this State unless the contribution is accompanied by a written statement setting forth the name and address of each contributor.

(d) A treasurer shall not be required to report the name of any resident of this State who makes a total contribution of one hundred dollars ($100.00) or less but he shall instead report the fact that he has received a total contribution of one hundred

dollars ($100.00) or less, the amount of the contribution, and the date of receipt. If a treasurer receives contributions of one hundred dollars ($100.00) or less, each at a single event, he may account for and report the total amount received at that event, the date and place of the event, the nature of the event, and the approximate number of people at the event. With respect to the proceeds of sale of services, campaign literature and materials, wearing apparel, tickets or admission prices to campaign events such as rallies or dinners, and the proceeds of sale of any campaign-related services or goods, if the price or value received for any single service or goods exceeds one hundred dollars ($100.00), the treasurer shall account for and report the name of the individual paying for such services or goods, the amount received, and the date of receipt, but if the price or value received for any single service or item of goods does not exceed one hundred dollars ($100.00), the treasurer may report only those services or goods rendered or sold at a value that does not exceed one hundred dollars ($100.00), the nature of the services or goods, the amount received in the aggregate for the services or goods, and the date of the receipt.

(e) All expenditures for media expenses shall be made by check only. All media expenditures in any amount shall be accounted for and reported individually and separately.

(f) All expenditures for nonmedia expenses (except postage) of more than fifty dollars ($50.00) shall be made by check only. All expenditures for nonmedia expenses of fifty dollars ($50.00) or less may be made by check or by cash payment. All nonmedia expenditures of more than fifty dollars ($50.00) shall be accounted for and reported individually and separately, but expenditures of less than fifty dollars ($50.00) may be accounted for and reported in an aggregated amount, but in that case the treasurer shall account for and report that he made expenditures of less than fifty dollars ($50.00) each, the amounts, dates, and the purposes for which made. In the case of a nonmedia expenditure required to be accounted for individually and

separately by this subsection, if the expenditure was to an individual, the report shall list the name and address of the individual.

(g) All proceeds from loans shall be recorded separately with a detailed analysis reflecting the amount of the loan, the source, the period, the rate of interest, and the security pledged, if any, and all makers and endorsers."

Sec. 3. G.S. 163-278.11 reads as rewritten:

"**§ 163-278.11. Contents of treasurer's statement of receipts and expenditures.**

(a) Statements filed pursuant to provisions of this Article shall set forth the following:

(1) Contributions. -- A list of all contributions required to be listed under G.S. 163-278.8 received by or on behalf of a candidate, political committee, or referendum committee. The statement shall list the name and complete mailing address of each contributor, the amount contributed, and the date such contribution was received. The total sum of all contributions to date shall be plainly exhibited. Forms for required reports shall be prescribed by the Board.

(2) Expenditures. -- A list of all expenditures required under G.S. 163-278.8 made by or on behalf of a candidate, political committee, or referendum committee. The statement shall list the name and complete mailing address of each payee, the amount paid, the purpose, and the date such payment was made. The total sum of all expenditures to date shall be plainly exhibited. Forms for required reports shall be prescribed by the Board.

(3) Loans. -- Every candidate and treasurer shall attach to the campaign transmittal submitted with each report an addendum listing all proceeds derived from loans for funds used or to be used in this campaign. The addendum shall be in the form as prescribed by the State Board of Elections and shall list the amount of the loan, the source, the period, the rate of interest, and the security pledged, if any, and all makers and endorsers.

(b) Statements shall reflect anything of value paid for or contributed by any person or individual, both as a contribution and expenditure."

(c) Expenditures made by the candidate himself should be listed as contributions to his campaign."

Sec. 4. This act shall become effective with respect to elections occurring on or after January 1, 1990.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S D

LEGISLATIVE PROPOSAL VI
THIS IS A DRAFT 16-DEC-88 10:49:21

Short Title: In-Kind Contributions. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DEFINE "IN-KIND CAMPAIGN CONTRIBUTIONS" AND CLARIFY THAT THEY MUST BE REPORTED AS BOTH CONTRIBUTIONS AND EXPENDITURES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.6. is amended by inserting a new subdivision to read:

"(10a) The term 'in-kind contribution' means any contribution other than a cash contribution."

Sec. 2. G.S. 163-278.11 reads as rewritten:

"**§ 163-278.11. Contents of treasurer's statement of receipts and expenditures.**

(a) Statements filed pursuant to provisions of this Article shall set forth the following:

(1) Contributions. -- A list of all contributions required to be listed under G.S. 163-278.8 received by or on behalf of a candidate, political committee, or referendum committee. The statement shall list the name and complete mailing address of each contributor, the amount contributed, and the date such contribution was received. The total sum of all contributions to date shall be plainly exhibited. Forms for required reports shall be prescribed by the Board.

(2) Expenditures. -- A list of all expenditures required under G.S. 163-278.8 made by or on behalf of a candidate, political committee, or referendum committee. The statement shall list the name and complete mailing address of each payee, the amount paid, the purpose, and the date such payment was made. The total sum of all expenditures to date shall be plainly exhibited. Forms for required reports shall be prescribed by the Board.

(3) Loans. -- Every candidate and treasurer shall attach to the campaign transmittal submitted with each report an addendum listing all proceeds derived from loans for funds used or to be used in this campaign. The addendum shall be in the form as prescribed by the State Board of Elections and shall list the amount of the loan, the source, the period, the rate of interest, and the security pledged, if any, and all makers and endorsers.

(b) Statements shall reflect ~~anything of value paid for or contributed by any person or individual,~~ any in-kind contribution both as a contribution and expenditure."

Sec. 3. This act shall become effective with respect to all elections held on or after January 1, 1990.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H D

LEGISLATIVE PROPOSAL VII
THIS IS A DRAFT 16-DEC-88 10:06:05

Short Title: Economic Interest Reporting. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT LEGISLATORS' ECONOMIC INTEREST STATEMENTS WILL BE AVAILABLE IN A CENTRAL PLACE.

The General Assembly of North Carolina enacts:

Section 1. Part 2 of Article 14 of Chapter 120 of the General Statutes reads as rewritten:

"PART 2. Statement of Economic Interest.

§120-89. Statement of economic interest by legislative candidates; filing required.

Every person who files as a candidate for nomination or election to a seat in either house of the General Assembly shall file a statement of economic interest as specified in this Article within 10 days of the filing deadline for the office he seeks.

§120-90. Place and manner of filing.

The statement of economic interest shall cover the preceding calendar year and shall be filed at the same place, and in the same manner, as the notice of candidacy which a candidate seeking

party nomination for the office of State Senator or member of the State House of Representatives is required to file under the provisions of G.S. 163-106.

§ 120-91: Repealed by 1987 (Reg. Sess., 1988), c. 1028, s. 3.

§ 120-92. Filing by candidates not nominated in primary elections.

A person who is nominated pursuant to the provisions of G.S. 163-114 after the primary and before the general election, and a person who qualifies pursuant to the provisions of G.S. 163-122 as an independent candidate in a general election shall file with the county board of elections of each county in the senatorial or representative district a statement of economic interest. A person nominated pursuant to G.S. 163-114 shall file the statement within three days following his nomination, or not later than the day preceding the general election, whichever occurs first. A person seeking to qualify as an independent candidate under G.S. 163-122 shall file the statement of economic interest with the petition filed pursuant to that section.

§120-93. County boards of elections to notify candidates of economic- interest-statement requirements.

Each county board of elections shall provide for notification of the economic-interest-statement requirements of G.S. 120-89, 120-96, and 120-98 to be given to any candidate filing for nomination or election to the General bly at the time of his or her filing in the particular county.

§120-93.1. Certification of statements of economic interest.

The chairman of the county board of elections with which a statement of economic interest is filed shall forward a certified copy of the statement to the Legislative Services Office once the candidate is certified as elected to the General Assembly.

§120-94. Statements of economic interest are public records.

The statements of economic interest are public records and shall be made available for inspection and copying by any person during normal business hours at the office of the various county boards of election where the statements or copies thereof are filed and at the Legislative Library after certified copies are forwarded to the Legislative Services Office. If a county board of elections of a county does not keep an office open during normal business hours each day, that board shall deliver a copy of all statements of economic interest filed with it to the clerk of superior court of the county, and the statements shall be available for inspection and copying by any person during normal business hours at that clerk's office.

§ 120-95: Repealed by 1987 (Reg. Sess., 1988), c. 1028, s. 3.

§120-96. Contents of statement.

Any statement of economic interest filed under this Article shall be on a form prescribed by the Committee, and the person filing the statement shall supply the following information:

(1) The identity, by name, of any business with which he, or any member of his immediate household, is associated;

(2) The character and location of all real estate of a fair market value in excess of five thousand dollars ($5,000), other than his personal residence (curtilage), in the State in which he, or a member of his immediate household, has any beneficial interest, including an option to buy and a lease for 10 years or over;

(3) The type of each creditor to whom he, or a member of his immediate household, owes money, except indebtedness secured by lien upon his personal residence only, in excess of five thousand dollars ($5,000);

(4) The name of each "vested trust" in which he or a member of his immediate household has a financial interest in excess of five thousand dollars ($5,000) and the nature of such interest;

(5) The name and nature of his and his immediate household member's respective business or profession or employer and the types of customers and types of clientele served;

(6) A list of businesses with which he is associated that do business with the State, and a brief description of the nature of such business;

(7) In the case of professional persons and associations, a list of classifications of business clients which classes were charged or paid two thousand five hundred dollars ($2,500) or more during the previous calendar year for professional services rendered by him, his firm or partnership. This list need not include the name of the client but shall list the type of the business of each such client or class of client, and brief description of the nature of the services rendered.

§ 120-97: Repealed by 1987 (Reg. Sess., 1988), c. 1028, s. 3.

§ 120-98. Penalty for failure to file.

(a) If a candidate does not file the statement of economic interest within the time required by this Article, the county board of elections shall immediately notify the candidate by registered mail, restricted delivery to addressee only, that, if the statement is not received within 15 days, the candidate shall not be certified as the nominee of his party. If the statement is not received within 15 days of notification, the board of elections authorized to certify a candidate as nominee to the office shall not certify the candidate as nominee under any circumstances, regardless of the number of candidates for the nomination and regardless of the number of votes the candidate receives in the primary. A vacancy thus created on a party's ticket shall be considered a vacancy for the purposes of G.S. 163-114, and shall be filled according to the procedures set out in G.S. 163-114.

(b) Repealed by Session Laws 1987 (Reg. Sess., 1988), c. 1028, s. 5.

Sec. 2. This act shall be effective with respect to elections occurring on or after January 1, 1990.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S D

LEGISLATIVE PROPOSAL VIII
THIS IS A DRAFT 16-DEC-88 10:06:22

Short Title: Recount Law Changes. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE AUTOMATIC RECOUNT LAW SO THAT CANDIDATES OTHER THAN THE "NEXT HIGHEST" CANDIDATE MAY CALL FOR A RECOUNT IF THEY RECEIVED VOTES WITHIN THE STATUTORY RANGE FROM VICTORY, SO THAT NO RECOUNT IS REQUIRED IN A STATEWIDE RACE IF THE PETITIONER IS LESS THAN THE LESSER OF 0.5% OR 10,000 VOTES BEHIND, AND SO THAT A MULTI-COUNTY CANDIDATE MAY REQUEST A RECOUNT EIGHT DAYS AFTER THE ELECTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-179.1 reads as rewritten:

"**§ 163-179.1. Mandatory recounts.**

(a) Whenever, according to the canvass made under this Article, the difference between the number of votes received by a candidate who:

(1) has received the number of votes necessary to be declared nominated for an office in a primary election with a majority; or

(2) has received the number of votes necessary to be declared nominated for an office in a second primary election

and the number of votes received by ~~the candidate receiving the next highest number of votes but not declared nominated under G.S. 163-179~~ any candidate in the race is not more than one percent (1%) of the total votes which were cast for that office, except in multi-seat races one percent (1%) of the total votes cast for those two candidates, the county board of elections shall, before declaring the person nominated, order a recount of the primary if ~~the candidate having the next highest number of votes~~ a candidate whose votes fell within one percent (1%) of a successful candidate shall, by noon on the second day (Saturdays and Sundays excepted) following the canvass, request in writing such a recount.

(b) Whenever, according to the canvass made under this Article, the difference between the number of votes received by a candidate who has been declared elected to an office in a general election and the number of votes received by ~~the candidate receiving the next highest number of votes but not declared elected under G.S. 163-179~~ any candidate in the race shall be not more than one percent (1%) of the total votes which were cast for that office, except in multi-seat races one percent (1%) of the total votes cast for those two candidates, or where there is a tie vote between those candidates, the county board of elections shall, before issuing a certificate of election, order a recount of the election if ~~the candidate having the next highest number of votes~~ a candidate whose votes fell within one percent (1%) of a successful candidate (or in the case of a tie, either candidate) shall, by noon on the second day (Saturdays and Sundays excepted) following the canvass, request in writing such a recount.

(c) The recount shall be conducted under the supervision of the county board of elections.

(d) This section applies to offices other than those covered by G.S. 163-192.1; except that it does not apply to elections conducted under Subchapter IX of this Chapter."

Sec. 2. G.S. 163-192.1 reads as rewritten:

"**§ 163-192.1. Mandatory recounts.**

(a) Whenever, according to the canvass made under this Article, the difference between the number of votes received by a candidate who:

(1) has received the number of votes necessary to be declared nominated for an office in a primary election with a majority; or

(2) received the number of votes necessary to be declared nominated for an office in a second primary election

and the number of votes received by ~~the candidate receiving the next highest number of votes but not declared nominated under G.S. 163-192~~ any candidate in the race is not more than one percent (1%) of the total votes which were cast for that office, except in multi-seat races one percent (1%) of the total votes cast for those two candidates, the State Board of Elections shall, before declaring the person nominated, order a recount of the primary if ~~the candidate having the next highest number of votes~~ a candidate whose votes fell within one percent of a successful candidate shall, by noon on the ~~second~~ eighth day (Saturdays and Sundays ~~excepted~~ included) following the ~~canvass~~ election, request in writing such a recount. Provided, however, that in a Statewide contest, no candidate shall be entitled to a recount unless the difference is at least one half of one percent (0.5%) of the votes cast, or 10,000 votes, whichever is less.

(b) Whenever, according to the canvass made under this Article, the difference between the number of votes received by a candidate who has been declared elected to an office in a general election and the number of votes received by ~~the candidate receiving the next highest number of votes but not declared elected under G.S. 163-192~~ any other candidate in the race shall

be not more than one percent (1%) of the total votes which were cast for that office, except in multi-seat races one percent (1%) of the total votes cast for those two candidates, or where there is a tie vote between those candidates, the State Board of Elections shall, before certifying the result to the Secretary of State under G.S. 163-193, order a recount of the election if ~~the candidate having the next highest number of votes~~ a candidate whose votes fell within one percent (1%) of a successful candidate (or in the case of a tie, either candidate) shall, by noon on the ~~second~~ eighth day (Saturdays and Sundays ~~excepted~~ included) following the ~~canvass~~ election, request in writing such a recount. Provided, however, that in a Statewide contest, no candidate shall be entitled to a recount unless the difference is at least one half of one percent (0.5%) of the votes cast, or 10,000 votes, whichever is less.

(c) The recount shall be conducted under the supervision of the State Board of Elections.

(d) This section applies to the offices listed in G.S. 163-192."

Sec. 3. This act shall be effective with respect to all elections held on or after January 1, 1990.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H D

LEGISLATIVE PROPOSAL IX
THIS IS A DRAFT 16-DEC-88 10:06:32

Short Title: (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE ACT REQUIRING DECLARATIONS OF INTENT AND PETITIONS FOR WRITE-IN CANDIDATES, BUT EXEMPTING MUNICIPAL AND NONPARTISAN ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 393 of the 1987 Session Laws reads as rewritten:

"Sec. 2. This act is effective upon ratification~~, and will expire two (2) years after date of ratification~~."

Sec. 2. This act is effective June 1, 1989.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H D

LEGISLATIVE PROPOSAL X
THIS IS A DRAFT 16-DEC-88 10:06:47

Short Title: Broadcast Election Notice. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PERMIT BOARDS OF ELECTIONS TO PLACE NOTICES ON BROADCAST STATIONS OR IN NEWSPAPERS OR BOTH.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-33 reads as rewritten:

"§ 163-33. Powers and duties of county boards of elections.

The county boards of elections within their respective jurisdictions shall exercise all powers granted to such boards in this Chapter, and they shall perform all the duties imposed upon them by law, which shall include the following:

(1) To make and issue such rules, regulations, and instructions, not inconsistent with law or the rules established by the State Board of Elections, as it may deem necessary for the guidance of election officers and voters.

(2) To appoint all registrars, judges, assistants, and other officers of elections, and designate the precinct in which each shall serve; and, after notice and hearing, to remove any registrar, judge of elections, assistant, or other officer of election appointed by it for incompetency, failure to discharge

the duties of office, failure to qualify within the time prescribed by law, fraud, or for any other satisfactory cause. In exercising the powers and duties of this subdivision, the board may act only when a majority of its members are present at any meeting at which such powers or duties are exercised.

(3) To investigate irregularities, nonperformance of duties, and violations of laws by election officers and other persons, and to report violations to the State Board of Elections. In exercising the powers and duties of this subdivision, the board may act only when a majority of its members are present at any meeting at which such powers or duties are exercised.

(4) As provided in G.S. 163-128, to establish, define, provide, rearrange, discontinue, and combine election precincts as it may deem expedient, and to fix and provide for places of registration and for holding primaries and elections.

(5) To review, examine, and certify the sufficiency and validity of petitions and nomination papers.

(6) To advertise and contract for the printing of ballots and other supplies used in registration and elections; and to provide for the delivery of ballots, pollbooks, and other required papers and materials to the voting places.

(7) To provide for the purchase, preservation, and maintenance of voting booths, ballot boxes, registration and pollbooks, maps, flags, cards of instruction, and other forms, papers, and equipment used in registration, nominations, and elections; and to cause the voting places to be suitably provided with voting booths and other supplies required by law.

(8) To provide for the issuance of all notices, advertisements, and publications concerning elections required by law. In addition, the county board of elections shall give notice at least 20 days prior to the date on which the registration books or records are closed that there will be a primary, general or special election, the date on which it will be held, and the hours the voting places will be open for voting in that election. The notice also shall describe the nature and type of election,

and the issues, if any, to be submitted to the voters at that election. Notice shall be given by advertisement at least once weekly during the 20-day period in a newspaper or on a broadcast station or both having general circulation in the county and by posting a copy of the notice at the courthouse door. This subdivision shall not apply in the case of bond elections called under the provisions of Chapter 159.

(9) To receive the returns of primaries and elections, canvass the returns, make abstracts thereof, transmit such abstracts to the proper authorities, and to issue certificates of election to county officers and members of the General Assembly except those elected in districts composed of more than one county.

(10) To appoint and remove the board's clerk, assistant clerks, and other employees; and to appoint and remove precinct transfer assistants as provided in G.S. 163-72.3.

(11) To prepare and submit to the proper appropriating officers a budget estimating the cost of elections for the ensuing fiscal year.

(12) To perform such other duties as may be prescribed by this Chapter or the rules of the State Board of Elections.

(13) Notwithstanding the provisions of any other section of this Chapter, to have access to any ballot boxes and their contents, any voting machines and their contents, any registration records, pollbooks, voter authorization cards or voter lists, any lists of absentee voters, any lists of presidential registrants under the Voting Rights Act of 1965 as amended, and any other voting equipment or similar records, books or lists in any precinct or municipality over whose elections it has jurisdiction or for whose elections it has responsibility."

Sec. 2. G.S. 163-41(a) reads as rewritten:

"(c) Publication of Names of Precinct Officials. -- Immediately after appointing registrars, judges, and special registration commissioners as herein provided, the county board of elections shall publish the names of the persons appointed in some newspaper or on a broadcast station or both having general

circulation in the county or, in lieu thereof, at the courthouse door, and shall notify each person appointed of his appointment, either by letter or by having a notice served upon him by the sheriff."

Sec. 3. G.S. 163-78 reads as rewritten:

"**§ 163-78. New registration; when permanent registration certificates lost or destroyed.**

If all of the permanent registration certificates, required by G.S. 163-65, for any precinct, for the entire county, or for any municipality, are, prior to 30 days preceding any primary, general or special elections, lost or destroyed by theft, fire, or other hazard, the county or municipal board of elections shall promptly provide the precinct registrar of each affected precinct with new loose-leaf registration books and new applications for registration, and shall order a new registration of qualified persons in each affected precinct. The new registration shall be conducted at the times and places in the manner prescribed by G.S. 163-67(a). The board of elections shall give notice that a new registration is in process by advertisement in a newspaper or on a broadcast station or both having general circulation in the county and by posting notice at the courthouse door. The notice shall state that a new registration is in process, and the location of the voting place and the name of the registrar in each affected precinct.

If the destruction or mutilation of the precinct registration book occurs less than 30 days before any primary, general, or special election, the board of elections shall, insofar as time will permit, adhere to the provisions of the first paragraph of this section. If the time available makes it impossible to conduct a new registration in the affected precinct, each person presenting himself to vote in the precinct on the day of the ensuing general or special election shall be allowed to cast his ballot after signing and delivering to the registrar an affidavit in the following form:

"I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been a resident of the State of North Carolina and of this precinct or municipality for 30 days; that I am at least 18 years of age; and that I have not registered to vote in any other precinct, county, municipality or state, so help me, God."

If the ensuing election is a primary rather than a general or special election, the following affidavit shall be used:

"I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been or will have been a resident of the State of North Carolina and of this precinct or municipality for 30 days by the date of the next general election; that I am at least 18 years of age or will be by the date of the next general election; and that I have not registered to vote in any other precinct, county, municipality, or state, so help me, God."

Persons permitted to vote under this procedure may be challenged in accordance with the provisions of G.S. 163-87 and G.S. 163-88. The registrar shall deliver all affidavits deposited with him to the board of elections on canvass day. The affidavits shall not be deemed to constitute a new record of registration for the precinct, county or municipality for subsequent primaries and elections.

Sec. 4. G.S. 163-128(a) reads as rewritten:

"(a) Each county shall be divided into a convenient number of precincts for the purpose of voting, and there shall be at least one precinct encompassed within the territory of each township; provided, however, that upon a resolution adopted by the county board of elections and approved by the Secretary-Director of the State Board of Elections voters from a given precinct within a township may be temporarily transferred, for the purpose of

voting, to a precinct in an adjacent township. Any such transfers shall be for the period of time equal only to the term of office of the county board of elections making such transfer. When such a resolution has been adopted by the county board of elections to assign voters from more than one township to the same precinct, then the county board of elections shall maintain separate registration and voting records, consistent with the procedure prescribed by the State Board of Elections, so as to properly identify the township in which such voters reside. There shall be at least one voting place in each precinct.

Except as provided by Article 12A of this Chapter, the county board of elections shall have power from time to time, by resolution, to establish, alter, discontinue, or create such new election precincts or voting places as it may deem expedient. Upon adoption of a resolution establishing, altering, discontinuing, or creating a precinct or voting place, the board shall give 20 days' notice thereof prior to the date on which the registration books or records next close pursuant to G.S. 163-67. Notice shall be given by advertisement in a newspaper or on a broadcast station or both having general circulation in the county, by posting a copy of the resolution at the courthouse door, and by mailing a copy of the resolution to the chairman of every political party in the county."

Sec. 5. G.S. 163-210 reads as rewritten:

"**§ 163-210. Governor to proclaim results; casting State's vote for President and Vice-President.**

Upon receipt of the abstracts prepared by the State Board of Elections and delivered to him in accordance with G.S. 163-192, the Secretary of State, under his hand and the seal of his office, shall certify to the Governor the names of the persons elected to the office of elector for President and Vice-President of the United States as stated in the abstracts of the State Board of Elections. Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the electors and instructing them to be present in the old Hall of the House of

Representatives in the State Capitol in the City of Raleigh at noon on the first Monday after the second Wednesday in December next after their election, at which time the electors shall meet and vote on behalf of the State for President and Vice-President of the United States. The Governor shall cause this proclamation to be published in the daily newspapers published in or on broadcast stations serving the City of Raleigh or both.

On or before the date fixed for the meeting of the electors, the Governor shall send by registered mail to the Administrator of General Services, a certificate under the great seal of the State setting forth the names of the persons chosen as presidential electors for this State and the number of votes cast for each. At the same time he shall deliver to the electors six duplicate originals of the same certificate, each bearing the great seal of the State. At any time prior to receipt of the certificate of the Governor or within 48 hours thereafter, any person elected to the office of elector may resign by submitting his resignation, written and duly verified, to the Governor. Failure to so resign shall signify consent to serve and to cast his vote for the candidate of the political party which nominated such elector.

In case of the absence, ineligibility or resignation of any elector chosen, or if the proper number of electors shall for any cause be deficient, those present at the required meeting shall forthwith elect from the citizens of the State a sufficient number of persons to fill the deficiency, and the persons chosen shall be deemed qualified electors to vote for President and Vice-President of the United States."

Sec. 6. G.S. 163-230 reads as rewritten:

"**§ 163-230. Consideration and approval of applications and issuance of absentee ballots.**

The procedure to be followed in receiving applications for absentee ballots, passing upon their validity, and issuing absentee ballots shall be governed by the provisions of this section.

(1) Record of Applications Received and Ballots Issued. -- Upon receipt of a voter's written application for absentee ballots, the chairman of the county board of elections shall promptly enter in the register of absentee ballot application and ballots issued so much of the following information as he has not already entered there under the provisions of G.S. 163-227(4) [163-227(b)(4)]:

a. Name of voter applying for absentee ballots, and, if applicable, the name and address of the voter's near relative who applied for the application for absentee ballots.

b. Number of assigned voter's application when issued.

c. Precinct in which applicant is registered.

d. Address to which ballots are to be mailed, or that the voter voted pursuant to G.S. 163-227.2.

e. Reason assigned for requesting absentee ballots.

f. Date application for ballots is received by chairman.

g. The voter's party affiliation.

(2) Determination of Validity of Applications for Absentee Ballots. -- The county board of election shall constitute the proper official body to pass upon the validity of all applications for absentee ballots received in the county; this function shall not be performed by the chairman or any other member of the board individually.

a. Required Meeting of County Board of Elections. -- During the period commencing 50 days before an election, and until 30 days before the election, in which absentee ballots are authorized, the county board of elections shall hold one or more public meetings each week on a day and at an hour to be determined by the board for the purpose of action on applications for absentee ballots. Each member of the board shall be notified in writing of the day and hour such meetings shall be conducted. During the period opening 30 days before an election in which absentee ballots are authorized and closing at 5:00 P.M. on the Tuesday before the election, the county board of elections shall hold public meetings at 10:00 A.M. on Tuesday and Friday of each week,

and it shall also hold public meetings at 10:00 A.M. on the eighth, sixth, fourth and first days immediately preceding election day. These meetings shall be held at the county courthouse or at the elections board's office at the hour fixed by law. At these meetings the county board of elections shall pass upon applications for absentee ballots.

Upon a majority vote, the county board of elections may hold any such public meetings at an hour other than 10:00 A.M., and it may hold more than one session on each day it meets and may set the hours of any additional sessions. If the board desires to exercise either or both of the options granted by the preceding sentence, it shall do so no later then [sic] 70 days before the election; thereafter, no change shall be made in the hours or dates fixed for the board's public meetings on absentee ballot applications.

The chairman of the county board of elections shall give notice to other board members of the schedule of meetings of the board.

If the county board of elections changes the time of holding its meetings or provides for additional meetings in accordance with the terms of this subdivision, notice of the change in hour and notice of the schedule of additional meetings, if any, shall be published in a newspaper or on a broadcast station or both circulated in the county, and a notice thereof shall be posted at the courthouse door of the county, at least 65 days prior to the election. Similar notice shall also be given of the dates and hours of the weekly meetings held until 30 days before the election.

The county board of elections shall not be required to hold any of the meetings prescribed by this subdivision unless, since its last preceding meeting, it actually has received one or more applications for absentee ballots which it has not passed upon. When no meeting is to be held for this reason, the chairman shall notify each of the other members of

the county board of elections that the scheduled public meeting will not be held and state the reasons for its cancellation.

b. Procedure at Required Meeting; Making Determination. -- At each public meeting of the county board of elections the chairman shall present for consideration, and the board shall pass upon, the validity of all applications for absentee ballots received since its last preceding public meeting held for that purpose. At each such meeting any registered voter of the county shall be heard and allowed to present evidence in opposition to, or in favor of, the issuance of absentee ballots to any voter making application for them.

The county board of elections may consider the registration records as evidence of the voter's signature, if available, and as any other evidence that may be necessary to pass upon such an application, including the party affiliation of a voter seeking to vote in a primary.

If the board finds that the applicant is a qualified voter of the county, that he is registered in the precinct stated in his application, that the assertions in his application are true, and that his application is in proper form, it shall approve his application for absentee ballots.

c. Record of Board's Determination; Decision Final. -- At the time the county board of elections makes its decision on an application for absentee ballots, the chairman shall enter in the appropriate column in the register of absentee ballot applications and ballots issued opposite the name of the applicant a notation of whether his application was "Approved" or "Disapproved".

The decision of the board on the validity of an application for absentee ballots shall be final subject only to such review as may be necessary in the event of an election contest.

(3) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. -- When the county board of elections approves an application for absentee ballots, the chairman shall promptly

issue and transmit them to the voter only, and not to his near relative, in accordance with the following instructions:

a. On the top margin of each ballot the applicant is entitled to vote, the chairman shall write or type the words "Absentee Ballot No. ...." and insert in the blank space the number assigned the applicant's application in the register of applications for absentee ballots and ballots issued. He shall not write, type, or print any other matter upon the ballots transmitted to the absentee voter.

b. The chairman shall fold and place the ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, in accordance with the terms of G.S. 163-229(b), the absentee voter's name, his application number and the designation of the precinct in which the voter is registered. The chairman shall leave the container-return envelope holding the ballots unsealed.

c. The chairman shall then place the unsealed container- return envelope holding the ballots together with printed instructions for voting and returning the ballots, in an envelope addressed to the applicant at the post office address stated in his application, seal the envelope, and mail it at the expense of the county board of elections, or deliver it to the applicant in person: Provided, that in case of approval of an application received after 5:00 P.M. on the Tuesday before the election under the provisions of G.S. 163-227(b)(3), in lieu of transmitting the ballots to the applicant in person or by mail, the chairman may deliver the sealed envelope containing the instruction sheet and the container-return envelope holding the ballots to a near relative of the voter."

Sec. 7. G.S. 163-234 reads as rewritten:

"§ 163-234. Counting absentee ballots by county board of elections.

All absentee ballots returned to the chairman or supervisor of elections of the county board of elections in the

container-return envelopes shall be retained by the chairman to be counted by the county board of elections as herein provided.

(1) Only those absentee ballots returned to the county board of elections no later than 5:00 P.M. on the day before election day in a properly executed container-return envelope shall be counted.

(2) The county board of elections shall meet at 5:00 P.M. on election day in the board office or other public location in the county courthouse for the purpose of counting all absentee ballots except those which have been challenged before 5:00 P.M. on election day. Any elector of the county shall be permitted to attend the meeting and allowed to observe the counting process, provided he shall not in any manner interfere with the election officials in the discharge of their duties.

Provided, that the county board of elections is authorized to begin counting absentee ballots between the hours of 2:00 P.M. and 5:00 P.M. upon the adoption of a resolution at least two weeks prior to the election wherein the hour and place of counting absentee ballots shall be stated. A copy of the resolutions shall be published once a week for two weeks prior to the election, in a newspaper <u>or on a broadcast station or both</u> having general circulation in the county. The count shall be continuous until completed and the members shall not separate or leave the counting place except for unavoidable necessity. The board shall not announce the result of the count before 7:30 P.M.

(3) The counting of absentee ballots shall not commence until a majority and at least one board member of each political party represented on the board is present and such fact is publicly declared and entered in the official minutes of the county board.

(4) The county board of elections may employ such assistants as deemed necessary to count the absentee ballots, but each board member present shall be responsible for and observe and supervise the opening and tallying of the ballots.

(5) As each ballot envelope is opened, the board shall cause to be entered into a pollbook designated "Pollbook of Absentee

Voters" the name of the absentee voter. Preserving secrecy, the ballots shall be placed in the appropriate ballot boxes, at least one of which shall be provided for each type of ballot.

After all ballots have been placed in the boxes, the counting process shall begin.

If a challenge transmitted to the board on canvass day by a registrar is sustained, the ballots challenged and sustained shall be withdrawn from the appropriate boxes, as provided in G.S. 163-89(e).

As soon as the absentee ballots have been counted and the names of the absentee voters entered in the pollbook as required herein, the board members and assistants employed to count the absentee ballots shall each sign the pollbook immediately beneath the last absentee voter's name entered therein. The chairman shall be responsible for the safekeeping of the pollbook of absentee voters.

(6) Upon completion of the counting process the board members shall cause the results of the tally to be entered on the absentee abstract prescribed by the State Board of Elections. The abstract shall be signed by the members of the board in attendance and the original mailed immediately to the State Board of Elections, Raleigh, North Carolina 27602.

(7) One copy of the absentee abstract shall be retained by the county board of elections and the totals appearing thereon shall be added to the final totals of all votes cast in the county for each office as determined on the official canvass.

(8) In the event a political party does not have a member of the county board of elections present at the 5:00 P.M. meeting to count absentee ballots due to illness or other cause of the member, the counting shall not commence until the county party chairman of said absent member, or a member of the party's county executive committee, is in attendance. Such person shall act as an official witness to the counting and shall sign the absentee ballot abstract as an "observer."

(9) The county board of elections shall retain all container-return envelopes and absentee ballots, in a safe place, for at least four months, and longer if any contest is pending concerning the validity of any ballot."

Sec. 8. G.S. 163-281(a) reads as rewritten:

"(a) Registrars and Judges. -- At the meeting required byG.S. 163-280(c), the municipal board of elections shall appoint one person to act as registrar and two other persons to act as judges of election for each precinct in the city. Not more than one judge in each precinct where there are registered voters of more than one political party shall belong to the same political party as the registrar, if the municipal elections are on a nonpartisan or partisan basis. If the city and county precincts are identical and the board so chooses, it may decline to exercise its power to appoint precinct registrars and judges, in which event the persons appointed by the county board of elections as precinct registrars and judges in each precinct within the city shall serve as such for municipal elections under authority and subject to the supervision and control of the municipal board of elections. Nothing herein shall prohibit a municipal board of elections from using the registrars and judges of election appointed by the county board of elections in those precincts which are not identical provided the county board of elections agrees, in writing, to such arrangement. Registrars and judges shall be appointed for terms of two years. Except as modified by this Article, municipal precinct registrars and judges shall meet all of the qualifications, perform all the duties, and have all of the powers imposed and conferred on county precinct registrars and judges by G.S. 163-41(a), G.S. 163-47, and G.S. 163-48. Municipal precinct registrars and judges shall not have the powers and duties with respect to registration of voters prescribed by G.S. 163-47(b). Immediately after appointing registrars and judges as herein provided, the municipal board of elections shall publish the names of the persons appointed in some newspaper <u>or on a broadcast station or both</u> having a general

circulation in the city, or in lieu thereof, by posting at the city hall or some other prominent place within the city, and shall notify each person appointed of his appointment."

Sec. 9. G.S. 163-288.2 reads as rewritten:

"**§ 163-288.2. Registration in area proposed for incorporation or annexed.**

(a) Whenever the General Assembly incorporates a new city and provides in the act of incorporation for a referendum on the question of incorporation or for a special election for town officials or for both, or whenever an existing city or special district annexes new territory under the provisions of Chapter 160A, Article 4A, or other general or local law, the board of elections of the county in which the proposed city is located or in which the newly annexed territory is located shall determine those individuals eligible to vote in the referendum or special election or in the city or special district elections. In determining the eligible voters the board may, in its discretion, use either of the following methods:

METHOD A. -- The board of elections shall prepare a list of those registered voters residing within the proposed city or newly annexed territory. The board shall make this list available for public inspection in its office for a two-week period ending on the twenty- first day (excluding Saturdays and Sundays) before the day of the referendum or special election, or the next scheduled city or special district election. During this period, any voter resident within the proposed city or newly annexed territory and not included on the list may cause his name to be added to the list. At least one week and no more than two weeks before the day the period of public inspection is to begin, the board shall cause notice of the list's availability to be posted in at least two prominent places within the proposed city or newly annexed territory and may cause the notice to be published in a newspaper <u>or on a broadcast station or both</u> of general circulation within the county. The notice shall state that the list has been prepared, that only those persons listed may vote

in the referendum or special election, that the list will be available for public inspection in the board's office, that any qualified voter not included on the list may cause his name to be added to the list during the two-week period of public inspection, and that persons in newly annexed territory should present themselves so their registration records may be activated for voting in city or special district elections in the newly annexed territory.

METHOD B. -- The board of elections shall conduct a special registration of eligible persons desiring to vote in the referendum or special election or in the newly annexed territory. The registration records shall be open for a two-week period (except Sundays) ending on the twenty-first day (excluding Saturdays and Sundays) before the day of the referendum or special election or the next scheduled city or special district election. On the two Saturdays during that two-week period, the records shall be located at the voting place for the referendum or special election or the next scheduled city or special district election; on the other days it may, in the discretion of the board, be kept at the voting place, at the office of the board, or at the place of business of a person designated by the board to conduct the special registration. At least one week and no more than two weeks before the day the period of special registration is to begin, the board shall cause notice of the registration to be posted in at least two prominent places within the proposed city or newly annexed territory and may cause the notice to be published in a newspaper or on a broadcast station or both of general circulation within the county. The notice shall state the purpose and times of the special registration, the location of the registration records, that only those persons registered in the special registration may vote in the referendum or special election, and that persons in newly annexed territory should present themselves so their registration records may be activated for voting in city or special district elections in the newly annexed territory."

Sec. 10. This act shall be effective January 1, 1990.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S D

LEGISLATIVE PROPOSAL XI
THIS IS A DRAFT 16-DEC-88 10:07:16

Short Title: Absentee Ballot Amendments. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CONSOLIDATE INTO ONE FORM ALL ABSENTEE BALLOT APPLICATION FORMS AND TO MAKE OTHER CHANGES IN THE LAW AFFECTING ABSENTEE BALLOTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-227 reads as rewritten:

"§ 163-227. State Board to prescribe ~~forms of applications~~ form of application for absentee ballots; county to secure.

(a) Applications for Absentee Ballots Generally. -- A voter falling in any one of the categories defined in G.S. 163-226, 163- 226.1 or 163-226.2 may apply for absentee ballots not earlier than 60 days prior to the statewide, county or municipal election in which he seeks to vote and not later than 5:00 P.M. on the Tuesday before that election. Subject to all other provisions contained in this Article, a voter applying for an absentee ballot shall complete the ~~appropriate application~~ standard application form to be secured by the county board of elections, ~~lettered A, B, C, or OS,~~ as designed and prescribed by the State Board of Elections. ~~and~~ The form shall contain

lines to be checked off by each of the kinds of voters specified below:

(1) ~~Application A shall be completed by a~~ A voter expecting to be absent from the county of his residence all day on the day of the specified election. (G.S. 163-226(a)(1)).

(2) ~~Application B shall be completed by a~~ A voter who is unable to be present at the voting place to vote in person on the day of the specified election because of his sickness or other physical disability occurring before 5:00 P.M. on the Tuesday prior to the date of the specified election. (G.S. 163-226(a)(2)). ~~Application B shall be printed on the reverse side of Application A.~~

(3) ~~Application C shall be completed by a~~ A voter who is unable to be present at the voting place to vote in person on the day of the specified election because of his sickness or other physical disability occurring since 5:00 P.M. on the Tuesday prior to the date of the specified election. (G.S. 163-226(a)(2)).

(4) ~~Application OS shall be completed by a~~ A voter expecting to be absent from the county, or due to emergency disability will be unable to vote in person, or a person who qualifies under G.S. 163-226(a)(4), and who, in lieu of making application by mail, wishes to apply in person and receive a ballot which he may immediately vote in the office of the county board of elections.

(b) ~~Forms~~ Types of Applications; Instructions. --

(1) Expected Absence from County on Election Day~~; Form A~~. -- A voter expected to be absent from the county in which registered during the entire period that the polls will be open on primary or general election day, or a near relative, shall make written application for absentee ballots to the chairman of the board of elections of the county in which the voter is registered not earlier than 60 days nor later than 5:00 P.M. on the Tuesday before the election. The application shall be submitted in the form set out in this subdivision upon a copy which shall be

furnished the voter or a near relative by the chairman of the county board of elections.

The applicant shall sign his application personally, or it shall be signed by a near relative. The application shall be signed in the presence of a witness, who shall sign his name in the place provided on the form. The application form when properly filled out shall be transmitted by mail or delivered in person by the applicant or a near relative to the chairman or the supervisor of elections of the county board of elections.

(2) Absence for Sickness or Physical Disability Occurring before 5:00 P.M. on the Tuesday prior to the Primary or General Election~~; Form B~~. -- A voter expecting to be unable to go to the voting place to vote in person on primary or general election day because of his sickness or other physical disability, or his near relative, shall make written application for absentee ballots to the chairman of the board of elections of the county in which the voter is registered not earlier than 60 days nor later than 5:00 P.M. on the Tuesday before the election. The application shall be submitted in the form set out in this subdivision upon a copy which shall be furnished the voter or a near relative by the chairman of the county board of elections.

The application shall be signed by the voter personally, or it shall be signed by a near relative. The application shall be signed in the presence of a witness, who shall sign his name in the place provided on the form.

The application form, when properly filled out, shall be transmitted by mail or delivered in person by the applicant or a near relative to the chairman or supervisor of elections of the county board of elections of the county in which the applicant is registered.

(3) Absence for Sickness or Physical Disability Occurring after 5:00 P.M. on the Tuesday prior to Primary or General Election~~; Form C~~. -- A voter expecting to be unable to go to the voting place to vote in person on primary or general election day because of sickness or other disability occurring after 5:00 P.M.

on the Tuesday before the election, or a near relative, shall make written application for absentee ballots to the chairman of the board of elections of the county in which he is registered not later than 12:00 noon on the day preceding the election. The application shall be submitted in the form set out in this subdivision upon a copy which shall be furnished the voter or a near relative by the chairman of the county board of elections.

The chairman of the county board of elections shall not issue or accept an application under the provisions of this subdivision later than 12:00 noon on the day preceding the election in which the voter seeks to vote.

The application shall be signed by the voter personally, or it shall be signed by a near relative. The application shall be signed in the presence of a witness who shall sign his name in the place provided on the form.

The certificate printed on the application form below the signatures of the applicant and his subscribing witness shall be filled in and signed in the presence of a witness by a licensed physician who is attending the applicant. The witness to the physician's certificate shall sign his name in the place provided on the form.

The application form, when properly filled out, signed by or for the applicant in the presence of a subscribing witness as provided in this subdivision, and certified and signed by the attending physician in the presence of a subscribing witness, may be transmitted by mail to the chairman or supervisor of elections of the board of elections of the county in which the applicant is registered, or it may be delivered to the chairman or supervisor of elections in person by the applicant or by his near relative.

(4) "One-Stop" Voting Procedure, in Office of the County Board of Elections~~; Form OS~~. -- A voter falling in the category specified in G.S. 163-227.2 may execute Form OS and proceed to vote his absentee ballot in the office of the county board of elections only.

(c) Application Forms Issued by Chairman of County Board of Elections. -- The chairman of the county board of elections shall be sole custodian of all absentee ballot application forms, but he, the secretary of the board and the supervisor of elections of the board, in accordance with one of the following two procedures, shall issue and deliver a single application form, upon request, to a person authorized to sign such an application under the provisions of this section:

(1) The chairman, secretary or supervisor of elections may deliver the form to a voter personally or to his near relative at the office of the county board of elections for the voter's own use; or

(2) The chairman, secretary or supervisor of elections may mail the form to a voter for his own use upon receipt of a written request from the voter or his near relative.

At the time he issues an application form, the chairman, secretary or supervisor of elections of the county board of elections shall number it and write the name of the voter in the space provided therefor at the top of the form. At the same time the chairman, secretary or supervisor of elections shall insert the name of the voter and the number assigned his application in the register of absentee ballot applications and ballots issued provided for in G.S. 163-228. If the application is requested by the voter's near relative, the chairman, secretary or supervisor of elections also shall insert that person's name in the register after the name of the voter.

The chairman, secretary or supervisor of elections shall issue only one application form to a voter or his near relative unless a form previously issued is returned to the chairman, secretary or supervisor of elections and marked "Void" by him. In such a situation, the chairman, secretary or supervisor of elections may issue another application form to the voter or a near relative, but he shall retain the voided application form in the board's records. If the application is requested by the voter's near relative, the chairman, secretary or supervisor of elections

shall write the name of the near relative on the index of near relatives, applying for applications for absentee ballots; the index shall be in such form as may be prescribed or approved by the State Board of Elections; a separate index shall be maintained for each primary, general or special election in which absentee voting is allowed.

(3) Applications or Absentee Ballots Transmitted by Mail or in Person. -- An application for absentee ballots shall be made and signed only by the voter desiring to use them or the voter's near relative or legal guardian and shall be valid only when transmitted to the chairman or supervisor of elections of the county board of elections by mail or delivered in person by the voter or his near relative or legal guardian.

(4) Who Is Authorized to Request Applications for Absentee Ballots. -- A voter may personally request an application for absentee ballots or may cause such request to be made through a near relative or legal guardian. For the purpose of this Article, "near relative or legal guardian" means spouse, brother, sister, parent, grandparent, child, or grandchild.

(5) The form of application for persons applying to vote in a primary under the provisions of this section shall be as designed and prescribed by the State Board of Elections. No voter shall be furnished ballots for voting in a primary except the ballots for candidates for nomination in the primary of the political party with which he is affiliated at the time he makes application for absentee ballots. The official registration records of the county in which the voter is registered shall be proof of the party, if any, with which the voter is affiliated.

(6) The county board of elections shall cause to be stamped or printed on the face of each application for absentee ballots the following legend, and the blank space in the legend to be completed:

"This application is issued for absentee ballots to be voted in the _____ (primary or general or special election) to be held in _____ County on the _____ day of _____,

19 ____." The county board of elections shall not issue any absentee ballots on the basis of any application that does not bear the completed legend.

(7) No applications shall be issued earlier than 60 days prior to the election in which the voter wishes to vote. Nothing herein shall prohibit the county board of elections from receiving written requests for applications earlier than 60 days prior to the election but such applications shall not be mailed or issued to the voter in person earlier than 60 days prior to the election.

(8) Applications for absentee ballots shall be issued only by mail or in the office of the county board of elections to the voter or a near relative or legal guardian authorized to make application. No election official shall issue applications for absentee ballots except in compliance with the provisions stated herein."

Sec. 2. G.S. 163-227.2(b) reads as rewritten:

"(b) Not earlier than the day following the day on which theregistration books close before an election, in which absentee ballots are authorized, in which he seeks to vote and not later than 5:00 P.M. on the Friday prior to that election, the voter shall appear in person only at the office of the county board of elections and request that the chairman, a member, or the supervisor of elections of the board, or an employee of the board of elections, authorized by the board, furnish him with ~~application Form OS~~ an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the chairman, member, supervisor of elections or authorized employee of the board, and shall deliver the application to that person."

Sec. 3. G.S. 163-69.1 reads as rewritten:

"**§ 163-69.1. Change of voter's name.**

(a) If the name of a voter is changed in accordance with G.S. 48-36, 50-12, or Chapter 101 of the General Statutes, or if a married voter assumes the last name of her spouse, the voter

shall not be required to re-register, but shall report the change of name in accordance with subsection (b) of this section before voting.

(b) A voter whose name has been changed shall report such change of name to an official authorized to register voters under G.S. 163-80 no later than the twenty-first day (excluding Saturdays and Sundays) prior to an election, primary, or special election in order to vote in said election if the name change occurred on or before that date. Alternatively, the voter may report such change to the registrar at the polls, and, if otherwise eligible, may vote. A voter wishing to vote by absentee ballot may report the name change to the county board of elections, by mail or in person, along with that voter's application for absentee ballot.

Any report made under this section shall be made under oath, and on a form prescribed by the county board of elections. A name-change form shall be included in any mailing to a voter of an absentee ballot application form. "

Sec. 4. G.S. 163-231 reads as rewritten:

"**§ 163-231. Voting absentee ballots and transmitting them to chairman of the county board of elections.**

(a) Procedure for Voting Absentee Ballots. -- In the presence of two other persons who are at least 18 years of age, the voter shall:

(1) Mark his ballots, or cause them to be marked by one of such persons in his presence according to his instruction;

(2) Fold each ballot separately, or cause each of them to be folded in his presence;

(3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in his presence;

(4) Make the certificate printed on the container-return envelope according to the provisions of G.S. 163-229(b).

The persons in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the absentee voter, unless the voter requests their assistance. The persons in whose presence the ballot was marked shall sign the certificate as witnesses, and shall indicate their address. When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the chairman of the county board of elections who issued the ballots.

(a1) Repealed by Session Laws 1987, c. 583, s. 1.

(b) Transmitting Executed Absentee Ballots to Chairman of County Board of Elections. -- The sealed container-return envelope in which executed absentee ballots have been placed shall be transmitted to the chairman of the county board of elections who issued them as follows: All ballots issued under the provisions of Articles 20 and 21 of this Chapter shall be transmitted by mail, at the voter's expense, or delivered in person, or by the voter's spouse, brother, sister, parent, grandparent, child or grandchild not later than 5:00 P.M. on the day before the statewide primary or general election or county bond election. If such ballots are received later than that hour, they shall not be accepted for voting."

Sec. 5. This act shall be effective with respect to elections held on or after January 1, 1990.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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LEGISLATIVE PROPOSAL XII
THIS IS A DRAFT 16-DEC-88 10:07:24

Short Title: Long-Term Absentees. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PERMIT A VOTER TO RECEIVE ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR WITH ONE APPLICATION IF THAT PERSON IS UNABLE TO GO TO A VOTING PLACE DUE TO AGE OR INFIRMITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-227 reads as rewritten:

"§ 163-227. State Board to prescribe ~~forms of applications~~ form of application for absentee ballots; county to secure.

(a) Applications for Absentee Ballots Generally. -- A voter falling in any one of the categories defined in G.S. 163-226, 163- 226.1 or 163-226.2 may apply for absentee ballots not earlier than 60 days prior to the statewide, county or municipal election in which he seeks to vote and not later than 5:00 P.M. on the Tuesday before that election. Subject to all other provisions contained in this Article, a voter applying for an absentee ballot shall complete the ~~appropriate application~~ standard application form to be secured by the county board of elections, ~~lettered A, B, C, or OS,~~ as designed and prescribed by the State Board of Elections. ~~and~~ The form shall contain

lines to be checked off by each of the kinds of voters specified below:

(1) ~~Application A shall be completed by a~~ A voter expecting to be absent from the county of his residence all day on the day of the specified election. (G.S. 163-226(a)(1)).

(2) ~~Application B shall be completed by a~~ A voter who is unable to be present at the voting place to vote in person on the day of the specified election because of his sickness or other physical disability occurring before 5:00 P.M. on the Tuesday prior to the date of the specified election. (G.S. 163-226(a)(2)). ~~Application B shall be printed on the reverse side of Application A.~~

(3) ~~Application C shall be completed by a~~ A voter who is unable to be present at the voting place to vote in person on the day of the specified election because of his sickness or other physical disability occurring since 5:00 P.M. on the Tuesday prior to the date of the specified election. (G.S. 163-226(a)(2)).

(4) A voter who qualifies under G.S. 163-227.4 as a person with a disability that will prevent presence at the polling place over a long term and wishes to receive absentee ballots for all the primaries and elections during the calendar year in which his application is submitted.

(5) ~~Application OS shall be completed by a~~ A voter expecting to be absent from the county, or due to emergency disability will be unable to vote in person, or a person who qualifies under G.S. 163-226(a)(4), and who, in lieu of making application by mail, wishes to apply in person and receive a ballot which he may immediately vote in the office of the county board of elections.

(b) ~~Forms~~ Types of Applications; Instructions. --

(1) Expected Absence from County on Election Day~~; Form A~~. -- A voter expected to be absent from the county in which registered during the entire period that the polls will be open on primary or general election day, or a near relative, shall make written application for absentee ballots to the chairman of the board of

elections of the county in which the voter is registered not earlier than 60 days nor later than 5:00 P.M. on the Tuesday before the election. The application shall be submitted in the form set out in this subdivision upon a copy which shall be furnished the voter or a near relative by the chairman of the county board of elections.

The applicant shall sign his application personally, or it shall be signed by a near relative. The application shall be signed in the presence of a witness, who shall sign his name in the place provided on the form. The application form when properly filled out shall be transmitted by mail or delivered in person by the applicant or a near relative to the chairman or the supervisor of elections of the county board of elections.

(2) Absence for Sickness or Physical Disability Occurring before 5:00 P.M. on the Tuesday prior to the Primary or General Election~~; Form B~~. -- A voter expecting to be unable to go to the voting place to vote in person on primary or general election day because of his sickness or other physical disability, or his near relative, shall make written application for absentee ballots to the chairman of the board of elections of the county in which the voter is registered not earlier than 60 days nor later than 5:00 P.M. on the Tuesday before the election. The application shall be submitted in the form set out in this subdivision upon a copy which shall be furnished the voter or a near relative by the chairman of the county board of elections.

The application shall be signed by the voter personally, or it shall be signed by a near relative. The application shall be signed in the presence of a witness, who shall sign his name in the place provided on the form.

The application form, when properly filled out, shall be transmitted by mail or delivered in person by the applicant or a near relative to the chairman or supervisor of elections of the county board of elections of the county in which the applicant is registered.

(3) Absence for Sickness or Physical Disability Occurring after 5:00 P.M. on the Tuesday prior to Primary or General Election; ~~Form C~~. -- A voter expecting to be unable to go to the voting place to vote in person on primary or general election day because of sickness or other disability occurring after 5:00 P.M. on the Tuesday before the election, or a near relative, shall make written application for absentee ballots to the chairman of the board of elections of the county in which he is registered not later than 12:00 noon on the day preceding the election. The application shall be submitted in the form set out in this subdivision upon a copy which shall be furnished the voter or a near relative by the chairman of the county board of elections.

The chairman of the county board of elections shall not issue or accept an application under the provisions of this subdivision later than 12:00 noon on the day preceding the election in which the voter seeks to vote.

The application shall be signed by the voter personally, or it shall be signed by a near relative. The application shall be signed in the presence of a witness who shall sign his name in the place provided on the form.

The certificate printed on the application form below the signatures of the applicant and his subscribing witness shall be filled in and signed in the presence of a witness by a licensed physician who is attending the applicant. The witness to the physician's certificate shall sign his name in the place provided on the form.

The application form, when properly filled out, signed by or for the applicant in the presence of a subscribing witness as provided in this subdivision, and certified and signed by the attending physician in the presence of a subscribing witness, may be transmitted by mail to the chairman or supervisor of elections of the board of elections of the county in which the applicant is registered, or it may be delivered to the chairman or supervisor of elections in person by the applicant or by his near relative.

(3a) Absence for Age or Infirmity Preventing Presence at Voting Place Over Long Term. A voter falling in the category specified in G.S. 163-227.4, or his near relative, shall make written application for absentee ballots to the chairman of the county board of elections of the county in which the voter is registered. The application shall be in the form set out in this section, and the voter or near relative shall check the appropriate box indicating eligibility under G.S. 163-227.4 and a desire to receive absentee ballots in all primaries and elections during the calendar year in which the application is received. The chairman of the county board of elections shall furnish a copy of the form to the voter or near relative. The voter shall sign the application personally, or it shall be signed by a near relative. The application shall be signed in the presence of a witness, who shall sign his name in the place provided on the form.

In his request for an application, the voter or his near relative shall certify that the voter is, due to age or infirmity, unable to be present at the polling place over a long term. The county board of elections shall provide certification forms for that purpose.

The application made under the provisions of this subdivision may be submitted and, if sufficient, shall be accepted at any time, but approval shall not entitle the applicant to vote in the next primary or election if the application is submitted later than 5:00 P.M. on the Tuesday before that primary or election.

The application form, when properly filled out and signed by or for the applicant in the presence of a subscribing witness as provided in this subdivision, may be transmitted by mail to the chairman or supervisor of elections of the board of elections of the county in which the applicant is registered, or it may be delivered to the chairman or supervisor of elections in person by the applicant or by his near relative.

(4) "One-Stop" Voting Procedure, in Office of the County Board of Elections~~; Form OS~~. -- A voter falling in the category

specified in G.S. 163-227.2 may execute Form OS and proceed to vote his absentee ballot in the office of the county board of elections only.

(c) Application Forms Issued by Chairman of County Board of Elections. -- The chairman of the county board of elections shall be sole custodian of all absentee ballot application forms, but he, the secretary of the board and the supervisor of elections of the board, in accordance with one of the following two procedures, shall issue and deliver a single application form, upon request, to a person authorized to sign such an application under the provisions of this section:

(1) The chairman, secretary or supervisor of elections may deliver the form to a voter personally or to his near relative at the office of the county board of elections for the voter's own use; or

(2) The chairman, secretary or supervisor of elections may mail the form to a voter for his own use upon receipt of a written request from the voter or his near relative.

At the time he issues an application form, the chairman, secretary or supervisor of elections of the county board of elections shall number it and write the name of the voter in the space provided therefor at the top of the form. At the same time the chairman, secretary or supervisor of elections shall insert the name of the voter and the number assigned his application in the register of absentee ballot applications and ballots issued provided for in G.S. 163-228. If the application is requested by the voter's near relative, the chairman, secretary or supervisor of elections also shall insert that person's name in the register after the name of the voter.

The chairman, secretary or supervisor of elections shall issue only one application form to a voter or his near relative unless a form previously issued is returned to the chairman, secretary or supervisor of elections and marked "Void" by him. In such a situation, the chairman, secretary or supervisor of elections may issue another application form to the voter or a near relative,

but he shall retain the voided application form in the board's records. If the application is requested by the voter's near relative, the chairman, secretary or supervisor of elections shall write the name of the near relative on the index of near relatives, applying for applications for absentee ballots; the index shall be in such form as may be prescribed or approved by the State Board of Elections; a separate index shall be maintained for each primary, general or special election in which absentee voting is allowed.

(3) Applications or Absentee Ballots Transmitted by Mail or in Person. -- An application for absentee ballots shall be made and signed only by the voter desiring to use them or the voter's near relative or legal guardian and shall be valid only when transmitted to the chairman or supervisor of elections of the county board of elections by mail or delivered in person by the voter or his near relative or legal guardian.

(4) Who Is Authorized to Request Applications for Absentee Ballots. -- A voter may personally request an application for absentee ballots or may cause such request to be made through a near relative or legal guardian. For the purpose of this Article, "near relative or legal guardian" means spouse, brother, sister, parent, grandparent, child, or grandchild.

(5) The form of application for persons applying to vote in a primary under the provisions of this section shall be as designed and prescribed by the State Board of Elections. No voter shall be furnished ballots for voting in a primary except the ballots for candidates for nomination in the primary of the political party with which he is affiliated at the time he makes application for absentee ballots. The official registration records of the county in which the voter is registered shall be proof of the party, if any, with which the voter is affiliated.

(6) The county board of elections shall cause to be stamped or printed on the face of each application for absentee ballots the following legend, and the blank space in the legend to be completed:

"This application is issued for absentee ballots to be voted in the _____ (primary or general or special election) to be held in _____ County on the _____ day of _____, 19 ____." The county board of elections shall not issue any absentee ballots on the basis of any application that does not bear the completed legend. Provided, however, that this subdivision does not apply to applications issued to voters who qualify under G.S. 163-227.4.

(7) No applications shall be issued earlier than 60 days prior to the election in which the voter wishes to vote, except for applications issued to voters who qualify under G.S. 163-227.4. Nothing herein shall prohibit the county board of elections from receiving written requests for applications earlier than 60 days prior to the election but such applications shall not be mailed or issued to the voter in person earlier than 60 days prior to the election.

(8) Applications for absentee ballots shall be issued only by mail or in the office of the county board of elections to the voter or a near relative or legal guardian authorized to make application. No election official shall issue applications for absentee ballots except in compliance with the provisions stated herein."

Sec. 2. Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-227.4. Voter who due to age or infirmity is unable to be present at a voting place over a long term; applications for continuous issuance of absentee ballots over a calendar year.**

A voter who due to of age or infirmity is unable to be present at a voting place over a long term may apply according to the procedure set out in G.S. 163-227(a)(4) and (b)(3a) to receive absentee ballots for all elections during the calendar year in which his application is submitted. Except as otherwise provided in 163-227(b)(3a) and unless otherwise disqualified to vote, the voter upon approval of his application shall automatically be issued absentee ballots for all primaries and elections during

the calendar year in which he submits his application. The county board of elections shall consider the voter's completing the procedure set out in 163-227(a)(4) and (b)(3a) to be a separate application for each primary and election during the calendar year and, at the proper time, shall enter the voter's name in the absentee register along with the listing of other applicants for absentee ballots in each primary and election.

Sec. 3. G.S. 163-229 reads as rewritten:

"**§ 163-229. Absentee ballots, container-return envelopes, and instruction sheets.**

(a) Absentee Ballot Form. -- In accordance with the provisions of G.S. 163-230(3), persons entitled to vote by absentee ballot shall be furnished with regular official ballots. Separate or distinctly marked absentee ballots shall not be used.

(b) Container-Return Envelope. -- In time for use not later than 50 days before a statewide primary, general election or county bond election, the county board of elections shall print a sufficient number of envelopes in which persons casting absentee ballots may transmit their marked ballots to the chairman of the county board of elections. Each container-return envelope shall be printed in accordance with the following instructions:

(1) On one side shall be printed an identified space in which shall be inserted the application number of the voter and the following statement which shall be certified by one member of the county board of elections:

"Certification of Election Official

The undersigned election official does by his hand and seal certify that.....: is a registered and qualified voter of ..... County, Precinct # ..... and has made proper application to vote under the Absentee Ballot Law of North Carolina.

.....(Seal)

Chairman-Member"

(2) On the other side shall be printed the return address of the chairman of the county board of elections and the following certificate:

"Certificate of Absentee or Sick Voter

State of .....

County of .....

I, ..., do certify that I am a resident and registered voter in ..... precinct, ... County, North Carolina; that on the day of an election, ..., 19 .... (check whichever of the following statements is correct.)

[ ] I will be absent from the county in which I reside.

[ ] Due to sickness or physical disability, or incarceration as a misdemeanant, I will be unable to travel to the voting place in the precinct in which I reside.

[ ] Due to age or infirmity I am unable to be present at a voting place for a long term.

I further certify that I made application for absentee ballots, and that I marked the ballots enclosed herein, or that they were marked for me in my presence and according to my instructions. I understand it is a felony to falsely sign this certificate.

.....

(Signature of voter)

....

Signature of Witness #1 Signature of Witness #2

....

Address of Witness #1 Address of Witness #2

(c) Instruction Sheets. -- In time for use not later than 50 days before a statewide primary, general or county bond election, the county board of elections shall prepare and print a

sufficient number of sheets of instructions on how voters are to prepare absentee ballots and return them to the chairman of the county board of elections."

Sec. 4. This act shall become effective with respect to all elections held on or after January 1, 1990.